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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting

Transport

(One-hundredth-and-third session, 4-7 February 2003,
agenda item 8 (c) (i))

**FUNCTIONS AND ROLES OF THE TIRExB,
THE TIR SECRETARIAT
AND THE IRU**

Transmitted by the Chairman of WP.30

Note: The secretariat reproduces below a communication transmitted by the Chairman of WP.30. This informal document will also be discussed under agenda item 7 of the thirty-fourth session of the Administrative Committee for the TIR Convention, 6-7 February 2003.

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

Report of the meeting of the "friends of the Chairman of the WP.30" held at the Permanent Mission of the Kingdom of The Netherlands in Geneva on 23 January 2003

1. Under the Chairmanship of Mr. G. Jacobs, Chairman of the WP.30, pursuant to the decisions of the WP.30 and AC.2 meetings of October 2002, the meeting was attended by representatives of the Netherlands, Russian Federation, Turkey, and by representatives of the European Commission (EC), the UNECE and the International Road Transport Union (IRU). The meeting was conducted in a very frank and open atmosphere.
2. The Chairman recalled that the objective of the meeting was, in line with §12 of TRANS/WP.30/204, and §47 of TRANS/WP.30/AC.2/67, to explore the functioning and roles of the TIRExB, the TIR Secretariat and the IRU, bearing in mind that any decisions on changing the functioning and roles of the TIRExB and the TIR Secretariat are within the sole competence of the Contracting Parties to the Convention.
3. The documents used by the Group were TRANS/WP.30/2002/30 – TRANS/WP.30/AC.2/2002/9, TRANS/WP.30/R179 as well as the "non-paper" dated 20th of January 2003 presented by the Chairman of WP.30.
4. The Group agreed that the TIR System is currently under severe pressure and agreed on the importance of the TIR System for the trade of the Contracting Parties to the TIR Convention and therefore stressed the necessity for all actors to the Convention to be able to fulfil their obligations.
5. The Group recognized the seriousness of the problems and agreed that steps are necessary to maintain the long term sustainability, efficiency and security of the TIR System. It was felt that part of the problem was related to mistrust due to misunderstandings about the role of each player and lack of clarity in those roles. It recognised the need to clarify the role and functioning of the TIRExB on the premise that its effectiveness and efficiency could be improved, four years after its coming into being. The Group also considered the roles and responsibilities of the International Organisation taking into account the recent entry in to force of PHASE II of the TIR Convention Revision's process, which gives responsibilities and obligations to an International Organisation.
6. The IRU representative recalled the intervention of the IRU at the June 2002 meetings of WP.30 and AC.2, requesting a clarification of the tasks and the suppression of interference to re-establish a climate of trust. The IRU representative also recalled the follow up to that intervention given at the October 2002 meetings of WP.30 and AC.2, through its proposal regarding the "Sustainability of the TIR System".

7. The Group recognised that the IRU is a key player and important partner. It also recognised that the TIRExB needs to play its part in creating and maintaining the appropriate environment so that the IRU's activities, in particular the proper functioning of the guarantee system, may develop in an atmosphere of mutual respect and trust. However, some participants mentioned the lack of insight into the functioning of the IRU and the Organizations involved in the guarantee chain, and the difficulty in having a good understanding of the nature and severity of the problems.
8. The IRU representative confirmed that its General Assembly, following the entry into force of the new Article 6 §2 bis, had accepted to only temporarily take on the responsibility for the effective organisation and functioning of the International Guarantee System until February 2003. To permit the IRU and its Member Associations to assume their responsibilities imposed by the provisions of Article 6 §2 bis, it was agreed that it would be imperative to revise, without delay, the current agreement between the UNECE, on behalf of the Administrative Committee, and the IRU.

Conclusions

9. Due to the vast scope of its work, the Group concluded that it would not be possible to progress all the issues. Rather it was decided to take the work forward on three levels.
 - 9.1 For the short term the Group recommends that AC.2 gives a mandate to UNECE to revise the current agreement immediately after the forthcoming meeting of AC.2 on the understanding that this mandate will be based on the provisions of the TIR Convention and that it shall respect the competences of the Contracting Parties. The revised agreement will be signed provisionally until its formal adoption by the AC.2.
 - 9.2 For the medium term, it is proposed to produce a document that clarifies the roles and responsibilities of the TIRExB and the International Organization for adoption by the AC.2 at its 2004 spring session.
 - 9.3 For the long term, there should be a review of the Convention in order to strengthen the provisions concerning issues like liability and the right of appeal.
10. The Chairman of the WP.30 will report these conclusions to the forthcoming sessions of WP.30 and AC.2.

Participants

11. The List of participants is in annex.
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23/01/2003

List of Participants

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