



TIR EXECUTIVE BOARD (TIRExB)
COMMISSION DE CONTROLE TIR (TIRExB)
ИСПОЛНИТЕЛЬНЫЙ СОВЕТ МДП (ИСМДП)

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Administrative Committee for the TIR Convention, 1975

TIR Executive Board (TIRExB)

Eighty-eighth session

Geneva, 12 and 13 April 2021

Report of the eighty-eighth session of the TIR Executive Board (TIRExB)

I. Attendance

1. The TIR Executive Board (TIRExB) held its eighty-eighth session on 12 April (morning) and 13 April (afternoon) 2021 in Geneva with the possibility of online participation.
2. The following members of TIRExB were present: Mr. S. Amelyanovich (Russian Federation), Mr. M. Ayati (Iran (Islamic Republic of)), Mr. M. Ciampi (Italy), Mr. R. Kabulov (Uzbekistan), Mr. P. J. Laborie (European Commission), Mr. H. R. Mayer (Austria), Mr. F. Valiyev (Azerbaijan), Ms. P. Yalcin Bastirmaci (Turkey) and Ms. C. Zuidgeest (Netherlands).
3. Ms. T. Rey-Bellet attended the session as observer, representing the International Road Transport Union (IRU).

II. Adoption of the agenda (agenda item 1)

Documentation: Informal document TIRExB/AGE/2021/88draft

4. TIRExB adopted the agenda of the session in Informal document TIRExB/AGE/2021/88draft with the addition of Informal document No. 4 under agenda item 12 (b) "Other matters". The Chair reiterated the call of the Board at its previous sessions to all stakeholders to submit documents well in advance of the session, particularly respecting a two-week deadline as applied by the secretariat.

III. Election of the Chair (agenda item 2)

5. The Board recalled that, at the short meeting of the newly elected TIRExB on 11 February 2021, Mr. M. Ciampi (Italy) had been elected Chair for 2021.

IV. Adoption of the report of the eighty-seventh session of TIRExB (agenda item 3)

Documentation: Informal document TIRExB/REP/2021/87draft

6. TIRExB adopted the report of its eighty-seventh session as in Informal document TIRExB/REP/2021/87draft.

V. Programme of work 2021-2022 (agenda item 4)

Documentation: ECE/TRANS/WP.30/AC.2/2019/15, Informal document WP.30/AC.2 (2021) No. 3, Informal document No. 2 (2021)

7. The Board considered Informal document No. 2 (2021), containing the draft programme of work for its 2021-2022 term of office. The Board considered that the programme of work as in the draft document sufficiently covered the activities for its term of office and the introductory paragraphs provided flexibility for the Board to consider any unforeseen issue that might arise in that period.

8. The Board requested the secretariat to make following modifications on the draft programme under part IV:

- Activity 4, 4th line: replace the word “business plan” with “study”,
- Activity 8, 1st line: insert “depending always on the time and efforts required to accomplish these tasks” after “agreed expansion of the scope” since a new module on certificates of approval in the International TIR Data Bank (ITDB) is a complicated task and not a priority under limited resources.

9. TIRExB emphasized the implementation of eTIR, expanding the use of the TIR procedure in intermodal transport and geographical expansion of the TIR system as priorities.

10. The Board requested the secretariat to distribute the revised version of the document by email to members for their final review and submit the final version of the document, to be submitted to the Administrative Committee (AC.2), to its next session.

VI. Audit report on the management of the TIR Trust Fund issued by the United Nations Office of Internal Oversight Services (agenda item 5)

Documentation: Informal document Nos. 4 (2019) and 4 (2020)

11. The Board took note of following information by the secretariat about the progress in the implementation of the audit recommendations since its previous session, while noting that Recommendation Nos. 3, 4, 5, 7(b), 8, 9 and 10 were already implemented:

- Recommendation No. 1: AC.2 considered, and adopted, document ECE/TRANS/WP.30/AC.2/2020/8/Rev.1 and its Corr.1. With this decision, the Committee considered OIOS recommendation No. 1 as approved and implemented.
- Recommendation No. 2: AC.2, based on the outcome of the survey on establishing Terms of Reference for TIR focal points from customs and national associations, considered and adopted document ECE/TRANS/WP.30/AC.2/2020/9, with the addition of a footnote, elaborating that: “These terms of reference should be considered as non-binding guidelines. Any assignment of tasks to TIR focal points (customs or associations) remains the sole prerogative of their hierarchy and could also be performed by other staff members than the appointed TIR focal point.” The Committee requested the secretariat to post the Terms of Reference on the TIR website. With this decision, the Committee considered OIOS recommendation No. 2 as approved and implemented.

Recommendation No. 6: AC.2 considered document ECE/TRANS/WP.30/AC.2/2021/7 by the Ethics Office. The Committee took note of the advice of the Ethics Office and welcomed the steps undertaken by the secretariat in ensuring an expeditious and satisfactory implementation of the advice of the Ethics Office, leading OIOS to be in a position to close this last outstanding recommendation (further see ECE/TRANS/WP.30/AC.2/150, paras. 56-61). Regarding the advice by the Ethics Office to review, revisit and update the existing Memorandum of Understanding (MoU) between ECE and IRU once Annex 11 enters into effect, the secretariat drafted a new MoU and submitted to the extraordinary session of AC.2 to be held on 9 June 2021, for consideration and endorsement.

- Recommendation No. 7 (a): The Board recalled that, at its session in December 2020, it finalized the study on the reasons for decline and requested the secretariat to submit the study to AC.2 for its consideration.

VII. Computerization of the TIR procedure (agenda item 6)

A. Interconnection of national customs systems with the eTIR international system

12. The Board noted that an extraordinary session of the Group of Experts on Conceptual and Technical Aspects of Computerization of the TIR Procedure (WP.30/GE.1) was held in hybrid format on 7-8 April 2021 and allowed, in particular, to start discussion on amendments proposals submitted by the Russian Federation. The second and third sessions of WP.30/GE.1 are planned for 25-28 May 2021 and 13-15 September 2021 respectively.

13. The Board also noted that the following countries had indicated an interest in the connection of their customs ICT system to the eTIR international system, either in the form of a request for information or the willingness to start a connection project: Armenia, Azerbaijan, Georgia, India, Iran (Islamic Republic of), Israel, Lebanon, Montenegro, Morocco, Pakistan, Qatar, Republic of Moldova, Tunisia, Turkey, Ukraine and Uzbekistan. To date, projects have been started with Azerbaijan, Georgia, Iran (Islamic Republic of), Pakistan, Republic of Moldova, Tunisia, Turkey and Uzbekistan. Finally, the Board noted that the ECE Executive Secretary contacted the Member States of the Eurasian Economic Union (EEU) as well as the Eurasian Economic Commission with a proposal to conduct a Proof of Concept on the introduction of the eTIR procedure in the EEU.

14. The Board welcomed a summary of the recent development performed by the secretariat on the eTIR international system and on the eTIR specifications. The Board was informed that the secretariat had worked extensively on version 4.3 of the eTIR concepts and the eTIR functional specifications and submitted them for translation for the next session of the WP.30/GE.1 in May. Regarding the eTIR technical specifications, the first two parts have been submitted as well and the secretariat is now preparing the third part related to the security of the eTIR system. The Board was further informed that the secretariat continues to assist the customs authorities of several contracting parties with the interconnection projects, in particular with Azerbaijan, Georgia and Turkey for the implementation stage. Finally, the Board was informed that work continues on the upgrade of the eTIR international system as per draft version 4.3 of the eTIR specifications.

B. International TIR Data Bank

Documentation: Informal document Nos. 5 (2020) and 3 (2021)

15. The Board welcomed the status report on the ITDB delivered by the secretariat. Further, the secretariat informed the Board about the current status of data recordings and usage figures in ITDB (details available in the presentation communicated to the Board members). It was also informed about recent achievements such as the completion of the ITDB web platform upgrade, the update of the ITDB web application to limit the international organization access to the TIR Carnet holder exclusion and withdrawal details, import of customs office data for Belarus and ongoing data import process for China and Uzbekistan, restoration of the ITDB web service connection with Uzbekistan national customs systems, and the recent communication of the survey to evaluate the digitalization status of the "certificates of approval" in the national customs systems.

16. The secretariat presented the result and analysis of the survey on expectation on ITDB Certificate of Approval (CoA) module as in Informal document No. 3 (2021). The Chair raised concerns related to the low response rate (twenty-six respondents out of seventy-six contracting parties) and about the risk for the Board to make decision based on responses that would not be enough representative of the contracting parties. The Board requested the secretariat to re-open the survey and invite all non-respondent contracting parties to provide feedback on the matter. Finally, the Board reiterated its view that this module was not a priority item due to complexity of the work and other priorities (see para. 8).

VIII. Settlement of disputes between Contracting Parties, associations, insurance companies and international organizations (agenda item 7)

Draft new Explanatory Note to Article 6, paragraph 2 of the TIR Convention

Documentation: ECE/TRANS/WP.30/AC.2/2020/19 and Informal document WP.30/AC.2 (2021) No. 6

17. TIRExB considered the proposals contained in paras. 1-4 of Informal document WP.30/AC.2 (2021) No. 6, submitted to AC.2 at its session in February 2021 by Romanian customs administration, with the aim to assess whether they could be reformulated as legal provisions of the TIR Convention.

18. The Board reiterated its past conclusion that the contract between the international organization and its national associations is primarily a contractual relation under private law and that any involvement from governments in the drafting of new provisions should be limited to customs-related issues only. Further, in order to address the issues raised by the Romanian customs authorities or similar cases, it seemed more appropriate to develop some type of early warning mechanism or guidelines, in which all stakeholders would be urged to inform each other as well as TIRExB well in advance of any change in circumstance that could run the risk of leading, potentially, to the termination of the relation between the international organization and a national association on the one hand, and the termination of the agreement between the customs authorities and the national association on the other hand (ECE/TRANS/WP.30/AC.2/2020/19, para. 7).

19. In this regard, the Board was of the view that there should be a balanced approach to regulating the matter in the Convention, which would raise awareness but preferably not with strong legally binding provisions. Thus, either an explanatory or comment would be preferable, while keeping in mind that both require a preceding relevant provision in

the Convention. Further, the Board noted that while proposals in paras. 1-3 were based on the early warning mechanism drafted by the Board, the proposal in para. 4 was for a time limit to be introduced regarding the agreement between the international organization and the national association, which needed further discussion.

20. The Board requested the secretariat to prepare a document for its next session containing proposals, with alternative formulations when needed, taking into account above remarks.

IX. Prices of TIR Carnets (agenda item 8)

21. TIRExB recalled that, at its session in December 2020, it mandated the secretariat to send out the survey for the collection of the 2021 TIR Carnet prices before 31 December 2020 with a deadline for responding until 1 March 2021 (TIRExB/REP/2020/86final, para. 24). The Board took note that, since only thirty-two associations had provided the 2021 prices until then, the secretariat did not issue a document for the session. The Board requested the secretariat to send a reminder to those associations that did not report their TIR Carnet prices, with a copy to TIR focal points.

22. Furthermore, the Board agreed with the proposal by the secretariat to revise the analysis of the TIR Carnet prices which was undertaken for a number of years in line with the methodology described in document ECE/TRANS/WP.30/AC.2/2016/2, as long as it would remain transparent and the new methodology included in Annex.

X. Functioning of the TIR international guarantee system (agenda item 9)

23. The Board approved the draft survey on customs claims for the period 2017- 2020 (available in English, French and Russian) and requested the secretariat to distribute it to the competent authorities before 30 June 2021, with a deadline to reply before 30 October 2021.

XI. Application of specific provisions of the TIR Convention (agenda item 10)

A. Consideration of amendment proposals

Proposals to introduce more flexibility in the guarantee system

24. TIRExB recalled presenting its conclusions to AC.2 on the possibility of introducing more flexibility in the guarantee system lastly in February 2017 (ECE/TRANS/WP.30/AC.2/133, paras. 13 and 16). In addition, the Board recalled that, since it had exhausted its assessment of increasing further flexibility in the guarantee system, it agreed to commence consideration of that matter only subsequent to the deliberations of AC.2 (ECE/TRANS/WP.30/AC.2/2018/1, para. 8). And since June 2017, it had not held any discussions under this item.

25. The Board took note that the Working Party on Customs Questions affecting Transport (WP.30), at its session in October 2020, considered document ECE/TRANS/WP.30/2020/4 providing background information on the discussions related to flexibility of the guarantee system and decided, due to the current circumstances and in view of the upcoming computerization of the TIR procedure, not to consider this issue until further notice (ECE/TRANS/WP.30/310, para. 10). Taking into account above background and the absence of an existing mandate, the Board decided closing the item for the time being, to be opened in the future should the need arise.

B. Exchange of views on the implementation of the TIR procedure during COVID-19 pandemic

26. TIRExB took note that the Inland Transport Committee, at its eighty-third session held on 23- 26 February 2021, had considered the recommendations of the Informal Multidisciplinary Advisory Group, some of which were referring to the eTIR international system. The Committee requested the secretariat to continue this work and organize more meetings of this group inviting other specialized transport organizations such as the International Civil Aviation Organization (ICAO) and International Maritime Organization (IMO) in order to include good practices suggested by the maritime and air transport industry.

27. The Board decided continuing its consideration of the matter at its next session.

XII. Problems reported by transport companies from the Republic of Moldova in Ukraine (agenda item 11)

Documentation: Informal documents Nos. 37 (2014) and 8 (2015)

28. TIRExB recalled that, at its session in December 2020, it noted that there was no new information on the problems reported by transport companies from the Republic of Moldova in Ukraine (TIRExB/REP/2020/86final, para. 26). Further, the Board recalled that the last formal communication on the issue was in 2015 and since then the update was made by Mr. S. Somka, a former member of the Board from Ukraine. Considering that at this term of the Board there is no member from Ukraine who could provide updated information, the Board requested the secretariat to send a letter to State Fiscal Service (SFS) of Ukraine asking the state of play with this matter and asking for clarification on the current implementation regarding referred products. The Board concluded that, depending on the reply from the SFS, it may send a letter to AITA and conclude the agenda item.

XIII. Miscellaneous (agenda item 12)

A. Activities of the secretariat

29. The secretariat informed the Board about the workshop to be held on 14 April 2021 on “Promote implementation of Annex 11 of TIR Convention on eTIR in the ECO region and beyond- Interconnection of National Customs Systems with the eTIR International System” for the member states of the Economic Cooperation Organization (ECO) and invited the Board members to the workshop.

B. Other matters

Documentation: Informal document No. 4 (2021)

30. TIRExB considered the letter by the government of Uzbekistan in Informal document No. 4 (2021). The Board noted that the letter would be submitted also to WP.30 at its June 2021 session.

31. TIRExB noted that, in their letter, referring to a case about customs claims which included several TIR Carnets and could not be resolved yet, Uzbek authorities proposed a new paragraph 5 to the Annex 10 of the TIR Convention. The proposal suggested that the international organization should notify the customs authorities about discrepancies between the TIR Carnet and SafeTIR data. The secretariat pointed out the fact that the notification to the customs authorities by the international organization on discrepancies

was not a complete new provision but that it was already regulated in Annex 10 paragraph 2 and with the Model Reconciliation Form (MRF).

32. Mr. Kabulov (Uzbekistan) presented the details of the cases all related to transports from China to Uzbekistan via Kazakhstan between 2016 and 2018, but with few differences on how the incidents happened. He reiterated their proposal regarding the use of the SafeTIR data that aimed at ensuring prevention of future incidents.

33. Ms. Rey-Bellet (IRU) mentioned that the settlement of claims by Uzbekistan was handled in an effective way and with good level of collaboration between Uzbekistan customs, the national TIR association and IRU and that recently four claims were settled. Regarding the cases referred to in the document, she stated that they could not be considered since the Volet-1 of the TIR Carnet, as an evidence of the entry in the country, could not be provided by Uzbekistan. She added that IRU had sent MRF to reconcile the discrepancies found out by the national TIR association in Kazakhstan. Further to a question, she mentioned that the prerequisite for the liability of the guarantee chain was the acceptance of the guarantee at the entry point.

34. TIRExB decided to continue its consideration and, in view of the questions raised, invited IRU to provide additional information on the case with a document to its next session.

C. Restriction in the distribution of documents

35. TIRExB decided to keep documents issued in relation to the current session restricted.

D. Date and place of next session

Documentation: Informal document WP.30/AC.2 (2021) No. 3

36. The Board decided to conduct its eighty-ninth session on 12 July 2021 in Geneva and requested the secretariat to make the appropriate arrangements, subject to the COVID-19 limitations.

37. Further, the Board noted the suggestion by the former composition of the Board for looking into the possibility of more frequent online meetings in order to overcome the lack of in-person contacts due to the pandemic (Informal document WP.30/AC.2 (2021) No. 3). Taking into account the budget constraints and stricter interpretation quota due to the pandemic, the Board requested the secretariat to hold English only informal talks between sessions for exchange of views on specific topics.
