



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-ninth session
Geneva, 12 July 2021

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

I. Attendance

1. The TIR Executive Board (TIRExB) held its eighty-ninth session on 12 July 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. F. Valiyev (Azerbaijan), Ms. P. Yalcin Bastirmaci (Turkey) and Ms. C. Zuidgeest (Netherlands). Mr. H. R. Mayer (Austria) was excused.
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/2021/89draft

4. TIRExB adopted the agenda of the session in Informal document TIRExB/AGE/2021/89draft with the addition of Informal document No. 8 (2021) to be considered under agenda item 9 “Problems reported by transport companies from the Republic of Moldova in Ukraine”.

III. Adoption of the report of the eighty-eighth session of TIRExB (agenda item 2)

Documentation: Informal document TIRExB/REP/2021/88draft with comments

5. TIRExB adopted the report of its eighty-eighth session as in Informal document TIRExB/REP/2021/88draft with comments.

IV. Programme of work 2021-2022 (agenda item 3)

Documentation: Informal document No. 2 (2021)/Rev.1

6. The Board considered Informal document No. 2 (2021)/Rev.1, containing the draft programme of work for its 2021-2022 term of office, revised pursuant to the decisions at

its last session (TIRExB/REP/2021/88draft with comments, paras. 7- 10). The Board noted that the draft programme of work contained all the changes agreed to at its previous session. In that light, TIRExB adopted its draft programme of work and requested the secretariat to submit it to the TIR Administrative Committee (AC.2) at its October 2021 session for endorsement.

7. TIRExB, drawing attention to the amendments entered into force in recent years and particularly the Annex 11, emphasized the importance of updating and distributing the TIR Handbook at the earliest possible.

V. Audit report on the management of the TIR Trust Fund issued by the United Nations Office of Internal Oversight Services (agenda item 4)

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

8. 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. 1, 2, 3, 4, 5, 7(b), 8, 9 and 10 were already implemented:

- Recommendation No. 6: The Committee considered document ECE/TRANS/WP.30/AC.2/2021/8, containing the new Memorandum of Understanding (MoU) between ECE and IRU. In this context, the Committee also considered Informal document WP.30/AC.2 (2021) No. 8 with comments by the Ethics Office on the new MoU. With the exception of the delegation of the Russian Federation, the Committee approved/ supported the draft MoU and requested the secretariat to transmit it to the Executive Committee (EXCOM) for information. With this decision, the Committee considered OIOS recommendation No. 6 as approved and implemented (ECE/TRANS/WP.30/AC.2/153, para. 10). The secretariat informed TIRExB that it has not submitted yet the report of AC.2 awaiting feedback from OIOS regarding the wording used in this decision.
- Recommendation No. 7 (a): The Working Party on Customs Questions affecting Transport (WP.30) considered and approved the final study on the reasons for decline. WP.30, at the request of AC.2, established that OIOS recommendation No. 7 (a) should be considered implemented and closed (ECE/TRANS/WP.30/314, para. 33).

VI. Computerization of the TIR procedure (agenda item 5)

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

9. The Board welcomed a summary of the recent developments performed by the secretariat on the eTIR international system and on the eTIR specifications. The secretariat informed the Board that it had drafted version 4.3 of the eTIR specifications for the next (and last) session of WP.30/GE.1 in September 2021. In particular, the secretariat pointed out that the eTIR technical specifications would be entirely available for the first time. The Board noted that all technical guides to help eTIR stakeholders to connect their information systems to the eTIR international system had been prepared. Finally, the Board took note that the work continued on the upgrade of the eTIR international system as per draft version 4.3 of the eTIR specifications.

10. The Board further noted that eighteen countries had indicated an interest in interconnection projects, either in the form of a request for additional information or the

willingness to start a connection project (Armenia, Azerbaijan, Georgia, India, Iran (Islamic Republic of), Israel, Kyrgyzstan, Lebanon, Montenegro, Morocco, Pakistan, Qatar, Republic of Moldova, Tajikistan, Tunisia, Turkey, Ukraine and Uzbekistan) and that eight countries (Azerbaijan, Georgia, Iran (Islamic Republic of), Kyrgyzstan, Pakistan, Tajikistan, Tunisia, Turkey and Uzbekistan) had already started an interconnection project with the assistance of the secretariat.

11. Furthermore, the Board noted that the European Commission and a few of its member states, in collaboration with the secretariat, had finalized a proof of concept on the interconnection of the eTIR international system and the New Computerized Transit System (NCTS) and that the secretariat had invited the Eurasian Economic Commission (EAEC) and its member states to carry out a similar exercise. While EAEC could not carry out the exercise since it is not a contracting party to the TIR Convention, the invitation remains open for its member states. Lastly, the secretariat stated that, in the framework of the UNDA project on COVID-19 where secretariats of TIR and the United Nations Conference on Trade and Development (UNCTAD)/Automated System for Customs Data (ASYCUDA) are participating, an agreement was reached to perform a connection between the eTIR international system and ASYHUB/ASYCUDA. The Board noted that this agreement would facilitate the interconnection of eight TIR contracting parties already using the ASYCUDA system by eliminating almost any effort from the side of the customs.

B. International TIR Data Bank

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

12. The Board welcomed the status report on the International TIR Data Bank (ITDB) delivered by the secretariat. The secretariat informed the Board about current status of data recordings and usage figures in ITDB (details available in the presentation communicated to the Board members). The secretariat further informed about the recent ITDB related achievements: in particular the reactivation of the survey on expectations on the ITDB Certificate of Approval (CoA) module, and on the communication of the survey on “status/progress” on digitalization of the CoA process in the national customs systems of contracting parties. Finally, the Board was also informed on the next tasks, in particular the preparation of the specification and design of the TIR Carnet holder portal and ITDB notification changes (as requested by AC.2 at its seventy-fourth session). Considering the low number of responses to the two surveys currently published, the Board suggested reminding all contracting parties during the next session of AC.2 the need to communicate their perspective on those two topics.

VII. Settlement of disputes between Contracting Parties, associations, insurance companies and international organizations (agenda item 6)

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

Documentation: Informal document WP.30/AC.2 (2021) No. 6, Informal document No. 5 (2021)

13. TIRExB recalled that, at its previous session, it requested the secretariat to prepare a document containing proposals, with alternative formulations when needed, considering its remarks regarding 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 (TIRExB/REP/2021/88final, paras. 17-20). The Board considered Informal document No. 5 (2021) by the secretariat.

14. Regarding Romanian proposals contained in paras. 1-3 of Informal document WP.30/AC.2 (2021) No. 6, TIRExB was of the view that the early warning mechanism related to the settlement of disputes, hence the relevant provision of the Convention being Annex 8, Article 10, para (e) on the facilitation of the settlement of disputes. Further, the Board agreed that the integrity of the text should be kept so that it does not lose the essence. Lastly, the Board reiterated its past remark that either an explanatory note or comment would require a preceding relevant provision in the Convention (TIRExB/REP/2021/88final, para. 19). The Board took note of the comment to Annex 8, Article 10, para (e) drafted by the secretariat, however, was of the view that a stronger formulation as an explanatory note would better serve the purpose in that case, while keeping in mind that it would take longer to introduce an explanatory note. Ms. Zuidgeest (Netherlands) pointed out that the comma between 'necessary' and 'collecting' was misplaced and should, actually, be deleted, as, in the current presentation, the text of the Explanatory Note could suggest that TIRExB has the discretionary competence to decide whether or not it will consider a dispute brought to its attention, whereas this discretion only refers to the possibility to collect information.

15. Regarding Romanian proposal contained in para. 4 of Informal document WP.30/AC.2 (2021) No. 6, the Board recalled 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 (TIRExB/REP/2021/88final, para. 18). However, the Board thought that the Romanian proposal related to the termination of the agreement coming into effect instead of the agreement itself. The Board agreed that the relevant provision for this proposal was Explanatory Note 0.6.2 bis-1, which refers to that agreement.

16. Further, the Board noted the fact that a termination might happen for reasons other than a dispute and in some circumstances, especially when there is also a second national association, the transformation might be completed in shorter time. Thus, the Board underlined the need to determine the optimal time-limit that would not hinder the functioning of the TIR system. The Board noted that Annex 9, Part I, Article 5 and the best practice 5.12 in the TIR Handbook that refer to time-limits applicable in the termination of the agreement between the competent authorities and the national association could be taken into account in regulating this matter.

17. Ms. Rey-Bellet (IRU) stated that, as already pointed out by TIRExB in the past years, the legal framework that governed the relationship between IRU and its member associations was of private nature and did not fall under the scope of the TIR Convention (mostly public law). Therefore, this matter could not be decided by customs administrations nor a provision should be included in the TIR Convention. She added that while a transitional period was needed, not all possible scenarios could be foreseen. Further, she indicated the possibility that the relationship between IRU and a member association is terminated due to the revocation of the authorization of the national association by the competent authorities. In that case, there could be a need for an urgent transfer of duties from one association to another, agreed by the parties including competent authorities. Finally, she mentioned that to ensure the flexibility in this matter, it would not be judicious to introduce a time-limit in the text of the Convention.

18. The Board requested the secretariat to revise Informal document No. 5 (2021) to its next session taking into account its remarks.

VIII. Prices of TIR Carnets (agenda item 7)

Documentation: Informal document No. 6 (2021)

19. The Board took note of the 2021 TIR Carnet prices and the analysis in Informal document No. 6 (2021) and welcomed the revised analysis. It requested the secretariat to publish the 2021 prices on the TIR website.

IX. Application of specific provisions of the TIR Convention (agenda item 8)

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

20. The secretariat provided updated information regarding the activities of the Informal Multidisciplinary Advisory Group regarding COVID-19 pandemic. The Group held its last ad hoc meeting in June 2021 where experts from the International Civil Aviation Organization (ICAO) and the International Maritime Organization (IMO) were invited to share good practices implemented and experience gained by maritime and air transport during the pandemic¹. Further, the chairs of relevant ECE working parties attended the meeting. The Group aims at developing concrete recommendations/guidelines for reference in the case of a future pandemic/force majeure. TIREXB was informed that the members could contribute in this work by providing information about any good practices implemented in their respective countries, if they so wish.

X. Problems reported by transport companies from the Republic of Moldova in Ukraine (agenda item 9)

Documentation: Informal documents Nos. 37 (2014), 8 (2015) and 8 (2021)

21. TIRExB took note of the letter by the State Fiscal Service (SFS) of Ukraine in Informal document No. 8 (2021) regarding the problems reported by the transport companies from the Republic of Moldova. The Board noted that since the entry into force of the new Customs Code of Ukraine in 2012, its provisions regarding the movement of alcohol and tobacco products through the territory of Ukraine under the terms of the TIR Convention had not changed. In the event of a change in these rules, the TIR Secretariat would be immediately informed.

22. TIRExB decided that there was no merit in keeping the item in the agenda as it was unclear when the legislation would be amended. The Board requested the secretariat to send a letter to the Moldovan national association summarizing its past considerations and the state of play while expressing its availability to consider the issue again when needed.

23. The Board decided concluding the agenda item for now.

XI. Miscellaneous (agenda item 10)

A. Activities of the secretariat

24. The secretariat informed the Board about meetings undertaken with the customs authorities of several contracting parties in order to provide information on the interconnection of national customs systems with the eTIR international system and the

¹ Documents of the session available at <https://unece.org/info/Transport/Transport-Trends-and-Economics/events/357534>

implementation of Annex 11. Furthermore, the secretariat provided information about following events participated online:

- Workshop co-organized with the Economic Cooperation Organization (ECO) Secretariat on the implementation of the eTIR international system in the ECO region (14 April 2021);
- Workshop organized by the Secretariat of the Cooperation Council of Turkic-Speaking States (Turkic Council) on the eTIR international system (15 June 2021);
- Ministerial Meeting on Cross-Border Connectivity between the European Union and the Western Balkans organized by the Government of Slovenia (5-6 July 2021/ Slovenian Presidency of the Council of the EU 2021);
- Federation Internationale de l'Automobile (FIA) 3rd joint Sport and Mobility Conference in Monaco (7 July 2021).

25. TIRExB also noted that the secretariat would launch the survey on customs claims for the period 2017-2020, as requested at its previous session (TIRExB/REP/2021/88final, para. 23).

B. Other matters

Documentation: Informal documents Nos. 4 (2021) and 7 (2021)

26. TIRExB recalled that, at its previous session, it considered a letter by the government of Uzbekistan in Informal document No. 4 (2021), noting that the letter would be submitted also to WP.30 at its June 2021 session (TIRExB/REP/2021/88final, paras. 30-34). The Board noted that, during considerations at WP.30, the Chair informed the Working Party that part of the raised issues (payment of due amounts of customs duties by the international organization) were currently under discussion at TIRExB. Therefore, the Working Party, focused on the proposal by the Uzbek authorities for a new para. 5 to Annex 10 of the TIR Convention, stipulating that the international organization should notify the customs authorities about discrepancies between the TIR Carnet and SafeTIR data. The delegation of the European Union as well as the secretariat pointed at the fact that the notification to the customs authorities by the international organization of discrepancies was already addressed by para. 2 of Annex 10 and the use of the Model Reconciliation Form (MRF). With regard to the issue currently under discussion at TIRExB, the delegation of the European Union stated that, in its view, any fraud related to corruption should be attributed to the customs administration(s) involved (ECE/TRANS/WP.30/314, paras. 29-31).

27. The Board took note of the clarifications by IRU in Informal document No. 7 (2021). Ms. Rey-Bellet (IRU) underlined that considering the materials and information in subject cases, particularly the lack of Volet-1 of the TIR Carnet and that the vehicles in question were registered in customs national electronic system as “empty” (without the goods), it was concluded that TIR Carnets were not taken into charge, and TIR operations did not start on the territory of Uzbekistan. Secondly, she stated that the separate notification of non-discharge was never addressed to the national association according to Article 11, para. 1. Lastly, she mentioned that the deadline of two years foreseen by the TIR Convention for such action, is now elapsed. She stated that due to mentioned reasons it was not possible to proceed with settlement of the claimed sums. Regarding the lack of data in the SafeTIR, she stated that they fulfilled their responsibility by notifying the competent authorities with an MRF thereon. She added that the cases were detected by Uzbek authorities thanks to the reconciliation request by IRU.

28. Mr. Kabulov (Uzbekistan) considered that the most important issue was the misuse of the TIR system in referred cases and that the mechanism in Annex 10 did not work till the end. He added that this was a systemic problem and it could affect any country in the

case of a misuse of the TIR procedure. Further, he stated that, to his knowledge, the cases were not detected due to the MRFs, because the reconciliation process was automated between the Uzbek national electronic system and IRU, thus the national system automatically confirming the lack of data to IRU. He added that Uzbekistan was one of first countries in the region to use all IRU digitization systems and it did so to reduce the risk. The Board noted that all termination stamps besides some of the entry stamps were proved to be fake and that there was no SafeTIR data from Uzbekistan regarding the TIR Carnets returned to IRU.

29. The secretariat clarified that all parties had responsibilities about follow-up to the discrepancies and the lack of data for profiting effectively from the SafeTIR system as a control mechanism. It added that, with the fulfillment of those responsibilities, falsification on the TIR Carnets could be detected and a chain of fraud as above could be prevented. Regarding the settlement of the claims, TIRExB invited the parties to communicate bilaterally to discuss the issue on case basis. Further, TIRExB did not consider a necessity to amend Annex 10, but thought it would be appropriate to enhance its enforcement, thus it advised the international organization to apply the SafeTIR system the best way it could do, particularly regarding the follow-up in the case of discrepancies and the lack of data.

C. Restriction in the distribution of documents

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

D. Date and place of next session

31. The Board decided to conduct its ninetieth session on 11 October 2021 in Geneva and requested the secretariat to make the appropriate arrangements, subject to the COVID-19 limitations.
