



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)

Fifty-ninth session

Geneva, 30 June – 1 July 2014

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

I. Attendance

1. The TIR Executive Board (TIRExB) held its fifty-ninth session on 30 June –1 July 2014 in Geneva.
2. The following members of TIRExB were present: Mr. M. Ciampi (Italy), Mrs. D. Dirlik (Turkey), Mrs. B. Gajda (Poland), Mrs. L. Jelinkova (European Commission), Mr. H. Lindström (Finland), Mr. V. Milošević (Serbia) and Mr. S. Somka (Ukraine).
3. The International Road Transport Union (IRU) attended the session as observer and was represented by Mr. M. Retelski. At the request of the Chair, the Permanent Mission of the Russian Federation in Geneva had been invited to be present during the discussions of agenda item IV. Though thankful for the invitation, the Permanent Mission had informed the secretariat that it was not in a position to attend the session.

II. Adoption of the agenda

Documentation: Informal document TIRExB/AGE/2014/59

4. TIRExB adopted the agenda of the session as contained in Informal document TIRExB/AGE/2014/59 without any further amendments. However, TIRExB decided to conduct part of its discussions of agenda item VII (c) on the implementation of Annex 9, Part III of the Convention, as closed session, without the presence of the observer.

III. Adoption of the report of the fifty-eight session of TIRExB

Documentation: Informal document TIRExB/REP/2014/58 draft with comments

5. The Board adopted the draft report of its fifty-eighth session (Informal document TIRExB/REP/2014/58draft with comments), subject to the following amendments:

Page 1, paragraph 5, penultimate line

For had been read would be

Page 2, paragraph 6, penultimate line

Delete Mrs. Molnar called on TIRExB members to support that the transport SDG would be included in their country's national strategy for the establishment of future SDG's.

Page 4, paragraph 12, line 6

For In addition, TIRExB was orally informed by Mr. Retelski (IRU) read TIRExB further noted

Page 4, paragraph 12, line 10

For IRU read Mr. Somka

Page 4, paragraph 13, line 4

For trust read hope

Page 5, paragraph 14, line 4

Before The insert According to Mr. Somka,

Page 5, paragraph 14, line 13

After Article 5. add As a consequence, according to Mr. Somka, the absence of such decisions warrants other Contracting Parties to refuse accepting TIR Carnets issued by ASMAP and the TIR system would no longer function. Convert rest of paragraph 14 into a new paragraph 15 and renumber all remaining paragraphs accordingly.

Page 5, new paragraph 15

Replace existing text by The Board thanked Mr. Somka (Ukraine) for his contribution to the overall legal assessment of the situation in the Russian Federation. At the same time, the Board acknowledged that the assessment did not address all provisions which might be at stake to provide a full legal analysis. In particular, reference was made to the provision of Article 45, which recommends Contracting Parties to make the largest number of Customs offices, both inland and at the frontier, available for dealing with TIR operations. In this context, TIRExB noted that, as a rule, Contracting Parties only publish a list of customs offices at the time that the TIR system becomes operational for their country. TIRExB recalled its previous discussions on the establishment of an electronic database on customs offices and its decision to start working on this project, in line with TIRExB's Terms of Reference, item 8, sub-item (a). 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. Mr. Somka emphasized that, in his view, the failure to comply with the basic requirements of the TIR Convention, making it impossible for the national association to act as guarantor despite the existence of a formal agreement, warrants other Contracting Parties to no longer accept guarantees provided by that same association.

Page 6, existing paragraph 16, line 5

For TIR Carnets read specific carnets

Page 6, existing paragraph 16, line 1

Replace Various TIRExB members by Various TIRExB members welcomed the efforts undertaken by the IRU to provide new products for operators. Other TIRExB members, however,

Page 6, existing paragraph 16, line 2

For TIR Carnet read carnet

Page 6, existing paragraph 16, line 3

For "iTIR" read "iCarnet"

Page 6, existing paragraph 16, line 8

After TIR Convention, insert various

Page 6, existing paragraph 16, line 9

After whether delete the name iTIR,

Page 6, existing paragraph 16, last sentence

For the existing text read Mr. Retelski (IRU) confirmed that separate insurance coverage had been concluded for the iCarnet and agreed to further address this issue at a future occasion.

Page 7, existing paragraph 19, line 2

Convert last phrase of paragraph 19 into a new paragraph and renumber all remaining paragraphs accordingly.

Page 7, new paragraph 21

Before TIRExB delete Finally,

Page 7, existing paragraph 20, line 6

For various read two

Page 7, existing paragraph 21, line 2

For had been read would be

Page 7, existing paragraph 21, last phrase

Delete TIRExB members were encouraged to bring this information to the attention of their management and pave the way for finding political support among all TIR Contracting Parties (see also paragraph 5).

Page 8, existing paragraph 26, line 13

After that delete under a current project

Page 8, existing paragraph 26, last line

After accordingly. add TIRExB agreed to further assess the Polish situation.

IV. Settlement of disputes between Contracting Parties, associations, insurance companies and international organizations

The decision of the Russian Federal Customs Service affecting the functioning of the TIR system

Documentation: Informal document No. 16 (2014), Informal document No. 17 (2014),

6. The Board considered Informal document No. 16 (2014) by the secretariat, containing an overview of the latest state of play in the Russian Federation as regards the application of the TIR Convention, including the discussions held at the June 2014 sessions of the Working Party on Customs Questions affecting transport (WP.30) and the TIR Administrative Committee (AC.2). Discussions on the issue were complicated by the fact that, although the deadline for the termination of the agreement between the Federal Customs Service (FCS) of the Russian Federation and the Association of International Road Carriers (ASMAP) was expiring on 30 June 2014 – first day of the 59th session of the Board – there was, as yet, no official information available on either the prolongation of the agreement or any other further measure under consideration by FCS.

7. After IRU had informed the Board that, further to a decision by the First Deputy Prime Minister of Russia, I. Shuvalov, and pending the finalization of the selection of a guaranteeing association by way of a tender procedure, the agreement between FCS and ASMAP had been prolonged until 30 November 2014, TIRExB decided to issue a statement with its assessment of the current situation. TIRExB requested the secretariat to post the statement at both the United Nations Economic Commission for Europe (UNECE) Border Crossing Facilitation (BCF) and TIR websites as well as transmit it to the competent authorities of the Russian Federation. The text of the statement is contained in Annex to this report.

8. TIRExB considered Informal document No. 17 (2014), containing a letter of 12 May 2014 by Mr. R. Davydov, Deputy Head of FCS, in which he provided replies to the nine questions posed by TIRExB to FCS at its fifty-seventh session (3 February 2014). Although TIRExB expressed its satisfaction with the fact that FCS had tried to shed some light on the application of the TIR system on the territory of the Russian Federation since 15 September 2013 (date of entry into force of the first restrictive measure against foreign TIR Carnet holders), there was a general feeling of dissatisfaction, as some of the answers did not (fully) correspond to the clear questions raised. Thus, all in all, the picture sketched by FCS with regard to the application of the TIR Convention on the territory of the Russian Federation differed greatly from the experiences reported by TIR Carnet holders from other TIR Contracting Parties to the various TIR competent bodies and to international and national stakeholders. Against the backdrop of the recent decision of the Supreme Court of the Russian Federation of 26 May 2014, reconfirming that the decisions of FCS introducing restrictions to the application of the TIR Convention on the territory of the Russian Federation (case number BAC-4111/2014) are in breach with the provisions of the Customs Union and Customs Code of the Russian Federation, TIRExB urged FCS, once more, to immediately reinstate the TIR system on the Russian territory. TIRExB requested its considerations to be included in the secretariat's letter of reply to Mr. Davydov, Deputy Head of FCS.

V. Application of specific provisions of the TIR Convention

a. Use of additional guarantees

Documentation: Informal document No. 18 (2014)

9. TIRExB took note of Informal document No. 18 (2014), containing a presentation by Mr. Retelski (IRU) about new products that IRU has recently introduced or considers to launch in the near future, such as: TIR Carnets with lower or higher guarantee levels, extending the TIR+ voucher system to more countries, the use of specific carnets for internal transports (iCarnet), the introduction of a special TIR Carnet for high value goods and TIR Carnets for multi-discharge.

10. Various TIRExB members reiterated the view that, although sympathetic, in principle, to the fact that IRU is working on extending its range of products, such products cannot be marketed as 'TIR' (meaning: related to the TIR procedure), in case their aim is to provide solutions for situations which are not in line with the provisions of the TIR Convention, such as, in particular, in case of additional guarantees or carnets for internal transports.

11. In conclusion, TIRExB recognized that, further to the renewed discussions in WP.30 and AC.2 on the recommended amount of the guarantee, a re-assessment of the recommended guarantee amount and related aspects seemed warranted, with the aim of, possibly, introducing a more flexible application of the guarantee in the context of the TIR Convention. To that end, TIRExB requested the secretariat to prepare a document outlining some preliminary thoughts, for consideration by the Board at its next session.

VI. Computerization of the TIR procedure

a. Current status of the eTIR Project

12. TIRExB took note that, at its one-hundred-and-thirty-seven session (10–11 June 2014), WP.30 had extensively discussed the request for guidance from the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) on the strategy it should follow regarding the concepts for submitting eTIR declarations along the itinerary of a TIR transport (see ECE/TRANS/WP.30/2014/5). WP.30 stressed that the principle of submission of a single TIR declaration in the country of departure should be respected and decided that the declaration mechanisms designed in the eTIR Reference Model should not be amended. Considering that safety and security data requirements have their own legal basis and in view of the difficulty in agreeing on common requirements, WP.30 also decided that, even if they are related to TIR transports, those requirements should be left optional in the standard eTIR declaration. TIRExB further took note of the progress in both the Italy–Turkey and UNECE–IRU eTIR pilot projects and welcomed that WP.30 had pushed the substantive legal work on computerization by requesting the establishment of a Group of legal Expert (ECE/TRANS/WP.30/274, paras. 15-19)

13. TIRExB further took note that AC.2, at its extraordinary session organized on 12 June 2014, had discussed a draft joint statement on the computerization of the TIR procedure, prepared and circulated by the secretariat. While AC.2 expressed its support for computerization, it could not reach consensus on the exact formulation of the statement and requested the secretariat to prepare a revised version of the draft statement, taking into account AC.2 comments for discussion at its October 2014 session (see ECE/TRANS/WP.30/AC.2/119, paras. 20-25)

14. Finally, TIRExB took note that the twenty-fourth session of GE.1 will be organized in Antalya (Turkey), at the kind invitation of Turkish customs administration, on 25–26 September 2014, back-to-back with the 60th session of TIRExB. The meeting will, inter alia, discuss a new version of the eTIR Reference Model, based on the World Customs Organization (WCO) Data Model, version 3.4, which the secretariat would prepare in close cooperation with Dutch customs authorities.

c. Central database for certificates of approval

Documentation: Informal document No. 19 (2014)

15. TIRExB welcomed Informal document No. 19 (2014) containing 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 Contracting 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, sub-item (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.

VII. Adaptation of the TIR procedure to modern business, logistics and transport requirements

a. Implementation of the intermodal aspects of the TIR procedure

16. 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.).

b. Authorized consignor and consignee

Documentation: Informal document No. 20 (2014); Informal document No. 23 (2014)

17. TIRExB welcomed Informal document No. 23 (2014) together with a presentation by Mrs. Gajda (Poland), elaborating on the TIR authorized consignor simplifications applied by the Polish customs administration. The Board was of the view that the presentation provided clarity on the practical aspects of the Polish example that could be used as a basis for the development of the TIR authorized consignor concept.

18. The Board, further, took note of Informal document No. 20 (2014) prepared by the secretariat and containing a draft proposal for an Explanatory Note to Article 49 of the TIR Convention that would enable the introduction of the authorized consignor as a national facility, as well as a draft recommended practice on how it could, potentially, be applied. The Board questioned whether the TIR authorized consignor concept should be introduced in the TIR Convention by means of definitions and terminology found in other international legal instruments. Furthermore, the Board stressed that the envisaged provisions of the TIR Convention should allow maximum flexibility to national competent authorities on the modalities and national law requirements for authorized consignors. The Board was of the general view that the authorized consignor needs not be defined in exhaustive detail in the Explanatory Note but, rather, only give enough scope to allow such simplifications (as well as, possibly, others) in any way that national administrations deem suitable. As a next step, members of the Board were invited to provide, in writing (and not later than by 1 September 2014), comments or proposals on the basis of informal document No. 20 (2014), so as to enable the secretariat to prepare a revised version for further discussion at its next session.

19. The Board also took note of a further presentation by Mrs. Gajda (Poland) on authorized consignees, as contained in Informal document No. 23 (2014). As the concept of authorized consignee is applicable in all EU Member States, TIRExB was of the opinion that it would be useful to include an example of best practice on the use of authorized consignees in the EU in the TIR Handbook and, accordingly, requested the secretariat to prepare such an example for consideration at its next session.

VIII. Functioning of the TIR international guarantee system

a. Survey on customs claims

Documentation: Informal document No. 21 (2014)

20. TIRExB took note of Informal document No. 21 (2014), containing the preliminary results as well as a first assessment of the survey on customs claims and the guarantee level for the period 2009–2012. While thankful that thirty-eight countries had replied to the survey, TIRExB regretted that some key users of the TIR system had failed to provide their replies, thus making it impossible for TIRExB to conduct an accurate comparison of the results or provide a sound assessment of the functioning of the TIR international guarantee system. TIRExB also took note that, in the meantime, Turkey had provided replies and that Ukraine would send theirs soon. TIRExB requested the secretariat to prepare an official letter for the attention of the authorities of the Russian Federation, reminding them of the importance of the survey as a tool for TIRExB to monitor the functioning of the TIR international guarantee chain and urging them, once more, to provide the required data. Finally, TIRExB welcomed the initiative of the TIR secretariat to meet with IRU in order to compare the results of the survey with the IRU claims statistics. TIRExB requested the TIR secretariat to prepare, for consideration at its next session, a revised version of the document, which should not only include the additional replies to the survey but also a comparison with the IRU statistics.

b. Termination of the agreement between customs and the guaranteeing association in Portugal

Documentation: Informal document No. 24 (2014)

21. The Board took note of Informal document No. 24 (2014, containing an exchange of letters between the TIR Secretary (further to instructions from TIRExB at its fifty-eighth session (see TIRExB/REP/2014/58, 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 the EU still was ensured. TIRExB decided not to revert to this issue in the future.

c. Implementation of Annex 9, Part III of the Convention

Documentation: Informal document No. 4 (2014)/Rev.1.

22. The Board considered Informal document No.4/Rev.1 (2014), prepared by the secretariat and containing proposals for further elaboration of the exact requirements of the provisions of Annex 9, Part III of the TIR Convention. TIRExB, after extensive discussions, concluded that, in view of the vastness of potentially available and useful information, the best way to proceed would be for the secretariat to liaise with IRU in order to, in the first instance, identify the exact requirements of Annex 9, Part III in the form of a checklist and, consequently, to establish in which form and by which deadline IRU is able and willing to deliver them. The Board also expressed that such checklist should, preferably, include the requirements of the possible new provisions (o), (p) and (q) in order to avoid, if adopted, confusion as to what they entail, as well as to avoid a potential risk of duplication. Further to this, the Board also 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 what kinds of requests towards the IRU would be considered reasonable and adequate. Finally, the Board requested to be informed on progress made on this issue at its next session.

IX. Activities of the secretariat

a. General activities of the secretariat

23. 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.

24. The secretariat informed the Board about recent and upcoming TIR related events. The TIR secretariat had participated in workshops in Brussels and Rabat, which had been organized in the framework of the Euro-Mediterranean Partnership (EUROMED) project, funded by the EU. More workshops will be organized in Algeria and Israel, in September and October 2014, respectively. The participation of TIR secretariat staff in these workshops is funded by the project.

25. The Board took note that the TIR Convention will be promoted in Kenya, in the framework of a project of the Commonwealth secretariat. To this end, a TIR workshop is planned to be organized in Kenya in October 2014. Furthermore, the Board took note that the TIR secretariat, together with IRU, are involved in the organization of a TIR panel, to be held during a United Nations international conference on transport issues hosted by the government of Turkmenistan, in September 2014.

26. Finally, the secretariat informed the Board that it is continuing its efforts to conduct, in cooperation with the Organization for Security and Co-operation in Europe (OSCE) Border Management Staff College, a regional TIR seminar for customs officials from, in particular, Afghanistan, Pakistan and Tajikistan. To that end, arrangements for meeting facilities have been made in Dushanbe, from 18-23 May 2015.

b. United Nations Development Account

27. TIRExB took note of the progress made in the framework of the United Nations Development Account (UNDA) project "Strengthening the capacities of developing countries and countries with economies in transition to facilitate legitimate border crossing, regional cooperation and integration", in particular that the consultant hired by UNECE had submitted a final draft of the "gap-analysis" for Georgia and that the next step will be to organize a first interregional Expert Group meeting.

XII. Other matters

Documentation: Informal document No. 22 (2014), Informal document No. 25 (2014)

(a) Problems raised by Jordanian transport operators when conducting TIR transports on the territory of Turkey

28. Due to the fact that this seemed to involve a single incident, TIRExB saw no reason to discuss this issue.

(b) Ongoing problems in the application of the TIR Convention between Tajikistan and Uzbekistan

29. Mr. Retelski (IRU) informed the Board of ongoing reports from transport operators, not only from Tajikistan but also from Kyrgyzstan, complaining about systematic checks by Uzbek border crossing authorities of all TIR vehicles entering Uzbek territory, leading to long delays and additional costs. Before deciding how to deal with the matter, the Board requested IRU to provide further background information on the issues at stake. The Board

recalled that the delegations of Tajikistan and Kyrgyzstan had informed WP.30, at its 130th session (February 2012) about possible infringements of the TIR Convention in Uzbekistan. At that session, the secretariat had requested these delegations to submit relevant material for re-transmittal to the competent authorities of Uzbekistan. However, such material has never reached the secretariat (see ECE/TRANS/WP.30/260, para. 39).

(c) Proposal by the national association of Ukraine to print the slogan “Stop corruption” on each TIR Carnet

30. TIRExB took note of this information, considering 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.

(d) Activities with regard to the possible accession of the People’s Republic of China to the TIR Convention

31. 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.

(e) Problems between the competent authorities and the national association in the Republic of Moldova

32. IRU informed TIRExB about internal frictions in the national association in the Republic of Moldova, where opposing parties were claiming leadership of the association. TIRExB requested IRU to keep the Board informed of any further development.

(f) TIRExB Membership of Mr. I. Makhovikov

33. TIRExB took note of Informal document No. 22 (2014) in which the State Customs Committee of the Republic of Belarus informed the secretariat that Mr. Makhovikov (Belarus) could no longer take part in the work of the Board, as he had started working for another organization. The secretariat informed the Board that, further to that letter, it had orally been requested to uphold Mr. Makhovikov’s resignation, as long as internal consultations were still ongoing to see if he could continue his task as TIRExB member. TIRExB requested the secretariat to seek further clarifications from the competent authorities and report back to the Board at the next session.

(g) TIR Carnet distribution prices

34. 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.

XIII. Restriction in the distribution of documents

35. TIRExB decided to keep Informal documents No. 4/Rev. 1, 18, 21, 22 and 24 (2014), issued with reference to the current session, restricted, but requested to re-issue Informal documents No. 20, 23 and No. 25 (2014) as general documents.

XIV. Date and place of next session

36. TIRExB decided to conduct its sixtieth session on 23 and 24 September 2014 in Antalya (Turkey), at the kind invitation of the Ministry of Customs and Trade of the Republic of Turkey.

ANNEX

TIRExB statement on the functioning of the TIR Convention in the Russian Federation after 1 July 2014 ¹

1 July 2014

At its fifty-ninth session (Geneva, 30 June–1 July 2014), the TIR Executive Board adopted the following statement on the functioning of the TIR Convention in the Russian Federation after 1 July 2014:

"At its 59th session (Geneva, 30 June–1 July 2014), the TIR Executive Board, the intergovernmental body supervising the application of the TIR Convention, 1975, took note of the decision of 30 June 2014 by the Federal Customs Service (FCS) of the Russian Federation to, once more, prolong the existing guarantee agreement between FCS and the Association of International Road Carriers (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.

TIRExB requested the TIR secretariat to transmit this statement to the authorities of the Russian Federation and to post it on the UNECE and TIR websites."

¹ The statement by TIRExB has equally been issued as a UNECE press release. For details, please refer to: <http://www.unece.org/index.php?id=35970>