

ECONOMIC COMMISSION FOR EUROPE

**TERMS OF REFERENCE AND RULES OF PROCEDURE
OF THE TIR EXECUTIVE BOARD
(TIRExB)**



UNITED NATIONS

2014

TERMS OF REFERENCE OF THE TIR EXECUTIVE BOARD¹

established by the Administrative Committee for the TIR Convention, 1975

in accordance with Annex 8, Article 9, paragraph 2 of the TIR Convention, 1975

1. The TIR Executive Board (TIRExB), acting within the legal and administrative framework established by the Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975) (hereafter: "the Convention") shall fulfil the tasks entrusted to it by the Convention and the TIR Administrative Committee. It shall supervise and provide support in the application of the Convention at the national and international levels and shall meet its obligations in accordance with the provisions and the spirit of the Convention (Article 58 ter and Annex 8, Article 1 bis, paragraph 3).

2. In particular, the TIRExB in accordance with Annex 8, Article 10 of the Convention shall:

(a) supervise the application of the Convention, including the operation of the guarantee system, and fulfil the functions entrusted to it by the Administrative Committee, specifically those provided for in Article 38, paragraph 2; Article 42 bis; Annex 8; Annex 9, Part I, paragraph 1 (d)²; Annex 9, Part I, paragraph 3 (v)³ and Annex 9, Part II, paragraphs 4 and 5;

(b) supervise the centralized printing and distribution to the associations of TIR Carnets which may be performed by an agreed international organization as referred to in Article 6 of the Convention;

(c) coordinate and foster the exchange of intelligence and other information among competent authorities of Contracting Parties;

(d) coordinate and foster the exchange of information between competent authorities of Contracting Parties, associations and international organizations;

(e) facilitate the settlement of disputes between Contracting Parties, associations, insurance companies and international organizations without prejudice to Article 57 of the Convention on the settlement of disputes;

(f) support the training of personnel of Customs authorities and other interested parties concerned with the TIR procedure;

(g) maintain a central record for the dissemination to Contracting Parties of information to be provided by the international organizations as referred to in Article 6 of the Convention, on all rules and procedures prescribed for the issue of TIR Carnets by associations, as far as they relate to the minimum conditions and requirements laid down in Annex 9 of the Convention;

(h) monitor the price of TIR Carnets.

¹ Adopted by the TIR Administrative Committee at its twenty-fourth session held in Geneva, 26 and 27 February 1998 (TRANS/WP.30/AC.2/49)

² ECE/TRANS/17/Amend.29; entered into force on 1 January 2012

³ ECE/TRANS/17/Amend.29; entered into force on 1 January 2012

3. The TIRExB shall report on its activities, including the submission of audited accounts, to the TIR Administrative Committee at least once a year or at the request of the Administrative Committee. The Board will be represented in the Administrative Committee by its Chairman (Annex 8, Article 11, paragraph 4).

4. The TIRExB shall consider any information and queries transmitted to it by the Administrative Committee, Contracting Parties, the TIR Secretary, national associations and international organizations referred to in Article 6 of the Convention. These international organizations shall have the right to attend the sessions of the TIRExB as observers unless its Chairman decides otherwise. If necessary, any other organization may attend the sessions of the Board as observer at the invitation of the Chairman (Annex 8, Article 11, paragraph 5).

5. The TIRExB shall take measures to ensure that the necessary liaison is maintained with competent organs of the United Nations, particularly its Regional Commissions, and with specialized governmental and non-governmental organizations.

6. The TIRExB shall elect a Chairman and shall adopt any additional rules of procedures which are not provided for in the Convention (Annex 8, Article 11, paragraph 3).

7. The operation of the TIRExB and the TIR secretariat shall be financed, until such time as alternative sources of funding are obtained, through an amount per⁴ TIR Carnet distributed by the international organization as referred to in Article 6 of the Convention (Annex 8, Article 13, paragraph 1). Particular attention should be given to a cost-effective operation of the TIRExB and the TIR secretariat.

8. The TIR secretariat, under the direction of the TIR Secretary, shall undertake the following tasks:

(a) Establishment and maintenance of an international Governmental TIR data bank accessible to all Contracting Parties on:

- approved and excluded transport operators (Annex 9, Part II, paragraphs 4 and 5), stolen and falsified TIR Carnets;
- approved Customs sealing devices;
- approved Customs offices for accomplishing TIR operations (Article 45);
- contact points (Customs, enforcement agencies, national associations, etc.);
- other data may also be compiled, for example on approved, falsified and stolen Customs stamps, if feasible. Particular attention should be given to data protection. This includes the establishment of effective rules to avoid unauthorized access to the protected data.

⁴ ECE/TRANS/17/Amend.28; entered into force on 1 January 2009

- (b) Preparation and servicing of the sessions of the TIRExB;
- (c) Exchange of information between competent authorities of Contracting Parties, national associations, insurance companies and international organizations concerned;
- (d) Provide administrative support to facilitate the settlement of disputes between Contracting Parties, national guaranteeing associations, insurance companies and the IRU;
- (e) Depositary of the:
- written agreement or any other legal instrument between associations and competent authorities (Annex 9, Part I, paragraph 1 (d))⁵;
 - insurance contracts between national associations, and national and international insurers (Annex 9, Part I, paragraph 3 (v))⁶;
- (f) Provision of information, interpretation and support for training on the application of the TIR procedure, in particular for countries that have only recently acceded to the Convention, in the establishment of administrative procedures.

9. The first session of the TIRExB shall be convened by the TIR Secretary immediately following its establishment by the Administrative Committee. Further sessions of the Board shall be convened by the TIR Secretary at the request of the Administrative Committee or by at least three members of the Board (Annex 8, Article 11, paragraph 1).

10. Any of these Terms of Reference may be amended or suspended by the Administrative Committee (Annex 8, Article 9, paragraph 2).

⁵ ECE/TRANS/17/Amend.29; entered into force on 1 January 2012

⁶ ECE/TRANS/17/Amend.29; entered into force on 1 January 2012

RULES OF PROCEDURE OF THE TIR EXECUTIVE BOARD⁷

Sessions

A session of the TIR Executive Board (TIRExB) shall be convened by the TIR Secretary at the request of:

- (a) the TIR Administrative Committee; or
- (b) at least three members of the TIRExB (Annex 8, Article 11, paragraph 1).

A session of the TIRExB shall be held:

- (a) on dates fixed by the TIRExB, after consultation with the TIR Secretary, at previous sessions;
- (b) within thirty days of a request to that effect by the Administrative Committee, unless it has fixed a specific date;
- (c) at the request of at least three members of the TIRExB, after consultation with the TIR Secretary.

Unless it decides otherwise, the TIRExB shall normally meet at the seat of the European Office of the United Nations where the TIR secretariat is located.

Agenda

The provisional agenda for each session shall be drawn up by the TIR Secretary in consultation with the Chairman of the TIRExB. The provisional agenda for any session shall include:

- (a) Items arising from previous sessions of the TIRExB;
- (b) Items proposed by the Administrative Committee;
- (c) Items proposed by any Contracting Party;
- (d) Items proposed by any member of the TIRExB;
- (e) Items proposed by the TIR Secretary;
- (f) Items proposed by national associations and international organizations referred to in article 6 of the Convention;
- (g) Any other item which the Chairman sees fit to include.

The first item on the provisional agenda for each session shall be the adoption of the agenda. The TIRExB may amend the agenda at any time.

⁷ Adopted by the TIRExB at its first session on 26 March 1999

Representation

The TIRExB shall be composed of nine members, each from different Contracting Parties to the Convention. The TIR Secretary will attend the sessions of the Board (Annex 8, Article 9, paragraph 1).

Board members shall be competent and experienced in the application of Customs procedures, particularly the TIR transit procedure, both at national and international levels⁸.

Board members shall be nominated by their respective Governments or organizations being Contracting Parties to the Convention. They shall represent the interests of the Contracting Parties to the Convention and not the specific interests of any one individual Government or organization.

The members of the TIRExB shall be elected by the Administrative Committee by a majority of those present and voting (Annex 8, Article 9, paragraph 2).

The term of office of each member of the TIRExB shall be two years. The members of the TIRExB may be re-elected (Annex 8, Article 9, paragraph 2).

In case one of the members of the TIRExB resigns before the completion of his/her mandated term of office, the TIR Administrative Committee may elect a replacement member. In that case, the elected member shall only hold office for the unexpired portion of the term of office of his/her predecessor⁹.

Officers

The TIRExB shall, at its first meeting each year, elect from among its members a Chairman, who shall hold office until its successor is elected. He/she shall be eligible for re-election. The TIRExB may, however, decide to elect its Chairman for its next session at its last meeting (Annex 8, Article 11, paragraph 3).

If the Chairman is absent from a session, or any part thereof, the TIRExB shall designate one of its members present to preside over this session, or any part thereof. This designated member of the TIRExB shall have the same powers and duties as the Chairman.

Conduct of business

A quorum of five members of the TIRExB is required for the purposes of taking decisions.

⁸ Adopted by the TIRExB at its fiftieth session (ECE/TRANS/WP.30/AC.2/2013/1, paragraph 25) and endorsed by the TIR Administrative Committee at its fifty-seventh session (ECE/TRANS/WP.30/AC.2/117, paragraph 29)

⁹ Adopted by the TIRExB at its fiftieth session (ECE/TRANS/WP.30/AC.2/2013/1, paragraph 25) and endorsed by the TIR Administrative Committee at its fifty-seventh session (ECE/TRANS/WP.30/AC.2/117, paragraph 29)

Voting

Each member of the TIRExB shall have one vote.

The TIRExB shall strive to take decisions by consensus. If no consensus can be reached, decisions shall be put to vote and shall be taken by a majority of those present and voting (Annex 8, Article 11, paragraph 2).

Languages

English, French and Russian shall be the working language of the TIRExB.

Speeches made in any of the working languages will be interpreted into the other working languages, as required.

Efforts shall be made to prepare important working documents not only in English but also in French and Russian, particularly the provisional agenda and the reports of the sessions.

Reports

The TIRExB shall report on its activities, including the submission of audited accounts, to the Administrative Committee at least once a year or at the request of the Administrative Committee (Annex 8, Article 11, paragraph 4).

Before the end of each session of the TIRExB, the TIR Secretary will summarize the conclusions of the sessions, including decisions taken. Following the session, a short report will be transmitted by the TIR Secretary to the members of the TIRExB for comments, if any. Should comments be transmitted to the TIR Secretary within a given time period, the report will be considered and adopted at the next session of the TIRExB.

Relations with other organizations

International organizations referred to in article 6 of the Convention shall have the right to attend the sessions of the TIRExB as observers unless its Chairman decides otherwise. If necessary, any other organization may attend the sessions of the Board as observer at the invitation of the Chairman (Annex 8, Article 11, paragraph 5 of the Convention).

In accordance with Annex 8, Article 11, paragraph 5 of the Convention, the TIRExB may invite to its sessions, through its Chairman, any organization or expert that it considers as being of use to take part in its work.

Settlement of disputes

Without prejudice to Article 57 and in accordance with Annex 8, Article 10, paragraph (e) of the Convention, the TIRExB may wish to prepare rules and procedures for the settlement of disputes between Contracting Parties, national associations, insurance companies and international organizations referred to in article 6 of the Convention, in case such settlement has been requested and is accepted by all parties concerned.

TIR Secretary

The TIR Secretary will attend the sessions of the TIRExB. He/she may appoint other members of the TIR secretariat to take his/her place at any session (Annex 8, Article 9, paragraph 1).

The TIR Secretary shall be responsible for the necessary arrangements being made for meetings.

The TIR Secretary shall be a member of the secretariat of the United Nations Economic Commission for Europe and shall execute the decisions of the TIRExB within the Terms of Reference of the Board. The TIR Secretary will be assisted by a TIR secretariat, the size of which shall be determined by the Administrative Committee (Annex 8, Article 12).

Amendments and suspensions

Any of these rules of procedure may be amended or suspended by the TIRExB provided that the proposed amendments and suspensions do not attempt to set aside the provisions contained thereon in the Convention or the Terms of Reference laid down by the Administrative Committee.

Other provisions

In the absence of relevant provisions in the Rules of Procedure of the TIRExB, the rules of procedure of the United Nations Economic Commission for Europe shall be applicable, except for Rule 36, unless the TIRExB decides otherwise.
