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Administrative Committee for the TIR Convention, 1975

(Thirty-third session, 24 and 25 October 2002,
agenda item 3 (a) (i))

ACTIVITIES AND ADMINISTRATION OF THE TIR EXECUTIVE BOARD (TIRExB)

Administration of the TIRExB

Reports of the TIRExB at its eleventh, twelfth and thirteen sessions

Report by the Chairman of the TIRExB

**REPORT OF THE ELEVENTH SESSION
OF THE TIR EXECUTIVE BOARD (TIRExB)**
(18, 19 and 22 October 2001)

ATTENDANCE

1. The TIR Executive Board (TIRExB) held its eleventh session on 18, 19 and 22 October 2001 in Geneva.
2. The following members of the TIRExB were present: Mr. M. Amelio (Italy), Mr. G.-H. Bauer (Switzerland); Mr. R. Ehmcke (Germany); Mrs. Y. Kasikçi (Turkey); Mr. D. Kulevski (The former Yugoslav Republic of Macedonia); Mr. J. Marques (European Community); Mrs. H. Metaxa-Mariatou (Greece); Mr. M. Olszewski (Poland); Mrs. N. Rybkina (Russian Federation).
3. The TIR Secretary attended the session in accordance with Annex 8, Article 9, paragraph 1 of the Convention.
4. The International Road Transport Union (IRU) attended partially the session as observer in accordance with Annex 8, Article 11, paragraph 5 of the Convention and was represented by Mr. J. Groenendijk, Head, TIR Policy and Customs Border Crossing Facilitation.
5. Other organizations did not attend the session.

ADOPTION OF THE AGENDA

6. The TIRExB adopted the agenda of the session as prepared by the TIR Secretary (TIRExB/AGE/2001/11) with the addition of the following items:

Agenda item 6 (d): Recent national control measures introduced in the Russian Federation

Agenda item 14: Budget proposal and cost plan for the TIRExB and the TIR secretariat for the year 2002

Agenda item 15: Monitoring of the price of TIR Carnets;
Monitoring of the functioning of the TIR guarantee system

ADOPTION OF THE REPORT OF THE TENTH SESSION OF THE TIRExB

Documentation: TIRExB/REP/2001/10, Rev.1 and Rev.2.

7. The TIRExB adopted the report of its tenth session as prepared by the TIR Secretary (TIRExB/REP/2001/10/Rev.2), subject to the following modifications:

Paragraph 2

After the words "Mr. R. Ehmcke (Germany)" add the words in brackets "(from 14 to 17 May 2001 only)".

Paragraph 35

In the first sentence, after the words "different actors involved in the TIR regime" add the words in brackets "(TIR Carnet holders, national associations, Customs authorities)".

TRANSMISSION OF LEGALLY REQUIRED DOCUMENTATION TO THE TIRExB

Current situation

Documentation: Informal Document No. 19 (2001).

8. On the basis of Informal Document No. 19 (2001), the TIRExB concluded that the transmission to the Board of the legally required documentation had become quite satisfactory and that the deposition of the annually renewed insurance certificates seemed to be the only problem in this area. To improve the situation, the Board felt that all Contracting Parties should regularly be reminded of the necessity to deposit the updated certificates.

Compliance with the provisions of the Convention: Example authorization and example agreement

Documentation: TIRExB/REP/2001/10/Rev.2, TRANS/WP.30/AC.2/2001/7-TRANS/WP.30/2001/14.

9. The TIRExB recalled that, at the previous session, it had adopted the example authorization and the example agreement (TRANS/WP.30/AC.2/2001/7-TRANS/WP.30/2001/14). The TIRExB was informed that, following its request (TIRExB/REP/2001/10/Rev.2, para.12), the TIR Secretary had distributed the two examples throughout Customs authorities of Contracting Parties utilizing the TIR procedure.

10. The TIRExB noted with satisfaction that, in general, the reaction of Contracting Parties to

the examples had been positive and that several countries had already agreed to use them as a basis for their own agreements. Nevertheless, the Board reiterated that these examples were not legally binding and, thus, should be treated as guidelines only.

11. The Board noted that the TIR secretariat intended to give a personalized reaction to each and every agreement it would receive. However, instead of reacting retroactively to all agreements it had received over the last few years, it felt that it would be more appropriate to react each time new agreements were deposited. Over the last few months comments had been sent to the Lithuanian and Romanian Customs authorities and extensive support had been supplied to the Yugoslav Customs authorities when in the process of concluding an agreement with their national association.

INSERTION OF AN IDENTIFICATION (ID) NUMBER OF THE HOLDER OF A TIR CARNET IN THE TIR CARNET AND USE OF THE TIR DATABANK

Documentation: TIRExB/REP/2001/10/Rev.2, TRANS/WP.30/AC.2/2001/13, Informal Document No. 20 (2001).

12. The TIRExB took note that, following the decisions which had taken place at the previous session (TIRExB/REP/2001/10/Rev.2, paras. 20 and 22), the TIR Secretary had provided off-line access to contact information (name of person(s)/enterprise, address, phone and fax numbers, name of contact point, etc.) for TIR Customs focal points. To this end, the TIR Secretary transmitted detailed information on the procedures for off-line access to the ITDB together with a standard enquiry form at the end of June 2001 (Informal Document No. 20 (2001)). Furthermore, the TIR Secretary submitted revised proposals on the step-by-step use of the ITDB to the October 2001 session of the TIR Administrative Committee for consideration and approval (TRANS/WP.30/AC.2/2001/13).

13. The TIRExB was informed of the first experience gained by the TIR secretariat in providing off-line access to the ITDB and, in particular, of the wish of some Customs administrations to grant access to the ITDB not only to TIR focal points, but also to representatives of law enforcement departments. The Board felt that, for the time being, off-line access should be granted to TIR Customs focal points only, but that the latter could share data obtained from the ITDB with their colleagues.

14. The TIRExB also noted with concern that in some Contracting Parties one ID-number had been used several times for transport operators with different names and that such practice had led to a number of misunderstandings during enquiry proceedings. Taking into account diverse national legislations in Contracting Parties, the Board requested the TIR Secretary to prepare proposals on how to tackle this problem at the international level.

APPLICATION OF THE TIR CONVENTION IN CASE THE FIRST PART OF A TRANSPORT OPERATION IS NOT MADE BY ROAD

Documentation: TIRExB/REP/2001/10/Rev.2, Informal Document No. 21 (2001).

15. The TIRExB recalled its earlier deliberations on the implementation of Article 2 of the Convention in case a part of a transport operation was not made by road (TIRExB/REP/1999/3, para.26 and TIRExB/REP/2001/10/Rev.2, paras. 24 and 25) and considered a draft comment on the issue prepared by the TIR Secretary (Informal Document No. 21 (2001)).

16. The Board noted that, in line with Article 26, paragraph 2 of the Convention, a TIR operation is usually suspended during a non-road leg when simpler Customs transit procedures exist. If such procedures are not available, nothing in the Convention prevents the holder from using a TIR Carnet for this part of the journey. However, if the holder wishes to use the TIR procedure, he should take into account the availability along the way of Customs offices (departure, destination and en route) approved for accomplishing TIR operations in line with Article 45 where the TIR Carnet could be given the treatment foreseen by the Convention.

17. The TIRExB decided to revert to the issue at the next session. In order to facilitate further discussions, the Board requested the TIR Secretary to prepare schemes of all possible practical situations involving a non-road leg in the course of a TIR transport.

NATIONAL CONTROL MEASURES

Article 47 of the Convention and additional Customs requirements

Documentation: Informal Document No. 22 (2001).

18. On the basis of Informal Document No. 22 (2001) prepared by the TIR Secretary, the TIRExB adopted and decided to transmit to the TIR Administrative Committee the following comment to Article 47 of the Convention:

"Application of restrictions and controls

The TIR Convention is a Customs Convention aimed at the Customs transit regime. The objective of Article 47 is to allow for application of additional restrictions and controls based on national regulations other than Customs. Therefore, it should not be used to justify supplementary Customs requirements."

Customs escorts

19. The TIRExB was informed of a number of complaints by transport operators about practical difficulties in the application of the TIR Convention in some countries of the Middle East and Eastern Europe due to obligatory Customs escorts and very high service fees (up to US\$ 3 per km).

20. The Board felt that, although escorts were an indispensable tool for the Customs authorities in exceptional cases (e.g. for transport of the so-called sensitive goods), in some Contracting Parties this control measure seemed to be abused in terms of service charges, border delays and the number of obligatory escorts. The TIRExB also noted that, in some situations, service fees covered by transport operators had not been in accordance with the official rates established on the basis of national law.

21. With a view to providing transparency in this area, the Board requested the TIR Secretary, in co-operation with the IRU, to survey the situation with Customs escorts among Contracting Parties and to report back to the TIRExB at one of its next sessions.

New orders by the State Customs Committee (SCC) of the Russian Federation

Documentation: Informal Document No. 23 (2001).

22. The TIRExB took note of Order No. 347 of 10.04.2001 which established a list of approved Customs offices and licensed Customs warehouses for the Customs clearance of certain goods (mainly electronics) imported into the Russian Federation by road and bound for consignees located in St. Petersburg, Leningrad Region and in the area of the Central Regional Customs Office (Moscow, Moscow Region and 16 nearby regions of the Russian Federation). The Board considered the above order as being in compliance with the provisions of the TIR Convention.

23. The TIRExB was also informed of Order No. 290 of 23.03.2001 introducing extensive Regulations (50 pages) on temporary storage of goods and vehicles under Customs control. Some of these Regulations concern Customs transit procedures and seem to have direct consequences for the application of the TIR regime in the Russian Federation. For example, by means of this order, SCC has drastically reduced the number of possible inland destinations where goods and road vehicles can be presented for control purposes.

24. Having considered the above Order, the Board came to the conclusion that their impact on the implementation of the TIR procedure was not clear. In particular, it remained unclear at which particular moment a TIR operation should be certified as terminated and the goods should be put under temporary storage. The Board felt that this issue could be of great importance to the functioning of the TIR regime. In view of the above, the TIRExB decided to continue its discussions on the subject at the next session on the basis of comments on practical consequences of Order No. 290 to the TIR procedure, to be supplied by Mrs. N. Rybkina (Russian Federation).

Recent national control measures introduced in the Russian Federation

25. The TIRExB was also informed that the Russian Customs authorities had lately introduced restrictive measures with regard to the transit of electronics goods, furniture and home appliances through the territory of the Russian Federation to adjacent CIS countries. The Board took note of the underlying reasons for these measures. Given the lack of official information on the issue, the TIRExB postponed discussions on the subject until the next session and invited Mrs. N. Rybkina (Russian Federation) to transmit to the Board a document for consideration.

POSSIBILITY OF GRANTING SPECIALLY AUTHORIZED CONSIGNORS AND CONSIGNEES PERMISSION TO OPEN AND TO TERMINATE TIR OPERATIONS AT THEIR PREMISES

Documentation: Informal Document No. 18 (2001).

26. The Board discussed Informal Document No. 18 (2001), which contained detailed information on the use of the concept of authorized consignee at the national level in Germany and Poland as well as giving an outline of the position of the IRU on the matter. In order not to further complicate its discussion, the Board decided to continue using the wording "authorized consignor/consignee" although the term as such is not used in the TIR Convention and to limit its discussion to the concept of authorized consignee, stressing that the concept of authorized consignor was not in line with the provisions and spirit of the TIR Convention.

27. From statements from various members of the Board, it became clear that in one form or

another the concept of authorized consignee does already exist in a number of countries, whereas other countries do not acknowledge its use on account of the fact that it might be in contradiction with the text or spirit of the TIR Convention. The Board felt, therefore, that it was its task to give uniform guidance to all Contracting Parties in this matter.

28. As a first step, the Board acknowledged that a distinction should be made between two different situations. In the first situation, goods and documents are delivered and unloaded directly at the consignee's premises in the presence of Customs. In the view of the Board, this type of situation is covered by Article 46 of the Convention, which provides for Customs attendance at other places than at the Customs office of destination (at the cost of the TIR Carnet holder). In the second situation goods and documents are delivered and unloaded directly at the consignee's premises without Customs officials being present. In the opinion of the Board, it is the latter situation which it has to address, as there is no clarity so far as to whether this is in line or not with the spirit and text of the TIR Convention.

29. The Board considered that the concept of authorized consignee was complicated by two factors. Firstly, the fact that it involves an actor (the consignee, the recipient of the goods) which is not yet recognized in the TIR Convention. Secondly, the possible repercussions it might have on the guarantee chain due to the fact that there is a close link between the authorized consignee and the proper termination of the TIR operation.

30. The Board decided to continue its discussion at its next session on the basis of a document to be prepared by the TIR secretariat, which would reflect the different opinions and the various positive and negative aspects of the concept.

RE-INTRODUCTION OF INSURANCE COVERAGE FOR SO-CALLED "SENSITIVE" GOODS ON THE TERRITORY OF THE EU

Documentation: Informal Document No. 26 (2001).

31. The TIRExB took note of Informal Document No. 26 (2001) containing an exchange of letters among the different parties concerned (IRU, TIR Secretary, some national associations) with regard to the re-introduction of the guarantee coverage for "sensitive" goods on the territory of the European Community.

32. The Board recalled that the reason for the exclusion of sensitive goods from the TIR regime in 1996 had been the temporary suspension of the comprehensive guarantee for these goods in the Community/Common transit systems which was re-established in 2000. The TIRExB expressed its deep regret over the fact that, in spite of this circumstance as well as in spite of the establishment of the SafeTIR system and the entry into force of Phase I of the TIR revision process introducing, *inter alia*, controlled access to the TIR procedure, the guarantee coverage for "sensitive" goods had not been re-introduced.

33. The TIRExB reiterated that the present situation had led to unequal Customs treatment of goods in different countries and jeopardized the functioning of the TIR system on a global scale. It was noted, however, that additional control measures are taken for sensitive goods in the EU in the framework of the Community and Common Transit System. Thus, the Board urged the IRU to find, in cooperation with the European Commission, ways and means of re-establishing the TIR guarantee for "sensitive" goods as soon as possible. The TIRExB also felt that the international insurers should be contacted directly in order to find out why "sensitive" goods were still considered as such and why a proper risk assessment was not possible.

FULL IMPLEMENTATION OF THE EDI CONTROL SYSTEM FOR TIR CARNETS (SAFETIR)

Documentation: Informal Document No. 24 (2001).

34. The Board was informed that, in July 2001, the TIR secretariat sent a questionnaire to the TIR Customs focal points of the 45 countries with which a TIR operation can be established and for which SafeTIR data were available on the use and appreciation of the SafeTIR system at the national level (Informal Document No. 24 (2001)). So far, the secretariat had received 36 replies. But, as it was the intention to receive a reaction from all 45 countries, reminder letters had been sent in September and October 2001. A so-called "SafeTIR Taskforce" had been established, in which representatives from the TIR secretariat and the IRU participate, whose aim it was to analyze the responses and to propose further actions on how to improve the use of the SafeTIR system.

PREPARATION OF AN EXAMPLE OF A TIR CARNET DULY FILLED-IN

35. The issue was not discussed due to lack of time.

PREPARATION OF A MODEL FORM TO BE USED BY CUSTOMS AUTHORITIES FOR NOTIFICATIONS TO GUARANTEEING ASSOCIATIONS AND FOR PAYMENT REQUESTS

36. The issue was not discussed due to lack of time.

LEGAL PROCEEDINGS IN GERMANY BETWEEN THE CUSTOMS ADMINISTRATION AND THE NATIONAL GUARANTEEING ASSOCIATION (REQUEST FOR A DECISION OF THE EUROPEAN COURT OF JUSTICE)

37. The issue was not discussed due to lack of time.

ACTIVITIES OF THE TIR SECRETARIAT

38. The TIRExB was informed of the following national and regional TIR workshops and seminars organized by the TIR secretariat:

- a national TIR training workshop for Customs officials of Yugoslavia at Belgrade on 25 and 26 July 2001 (in cooperation with the Federal Customs Administration of Yugoslavia);
- a Regional Seminar for the countries of Central Asia, the Transcaucasus and the Black Sea region in Baku (Azerbaijan) on 2 and 3 October 2001 (in cooperation with the State Customs Committee of Azerbaijan).

BUDGET PROPOSAL AND COST PLAN FOR THE TIRExB AND THE TIR SECRETARIAT FOR THE YEAR 2002

Documentation: TRANS/WP.30/AC.2/2001/10, TRANS/WP.30/AC.2/2001/11 and Corr.1.

39. Having taken note of the financial report prepared by the TIR Secretary covering the period 1 January 2001 to 31 July 2001 (TRANS/WP.30/AC.2/2001/10), the TIRExB approved the budget proposal and the cost plan for its operation in the year 2002 as prepared by the TIR Secretary (TRANS/WP.30/AC.2/2001/11 and Corr.1). Both documents were transmitted to the TIR Administrative Committee at its October 2001 session.

OTHER MATTERS

Monitoring of the price of TIR Carnets

40. The TIRExB recalled that, according to Article 10 of Annex 8 to the Convention, monitoring of the price of TIR Carnets was one of the main functions of the Board and that the TIRExB, at its third session (22 and 23 September 1999), once considered this issue on the basis of information provided by the IRU (TIRExB/REP/1999/3/Rev.1, paras. 9-12). In this context, the IRU informed the Board that the prices of TIR Carnets had not changed since that time. Nevertheless, given the new composition of the TIRExB, the IRU was requested to supply again the Board with the data on the price of TIR Carnets.

Monitoring of the functioning of the TIR guarantee system

41. The TIRExB recalled that this item was included into its programme of work for the year 2001 and had not been touched upon so far. As a first step, the Board requested the IRU to submit statistical data on the number and total amount of claims lodged by the Customs administrations in all Contracting Parties indicating also payments effected by the TIR guarantee chain.

DATE AND PLACE OF NEXT SESSIONS

42. The TIRExB decided to hold its twelfth session on 10 and 11 January 2002 in Geneva. The thirteenth session of the Board was scheduled to take place from 10 to 12 April 2002 in Trieste (Italy).

**REPORT OF THE TWELFTH SESSION
OF THE TIR EXECUTIVE BOARD (TIRExB)**
(10 and 11 January 2002)

ATTENDANCE

1. The TIR Executive Board (TIRExB) held its twelfth session on 10 and 11 January 2002 in Geneva.
2. The following members of the TIRExB were present: Mr. M. Amelio (Italy); Mr. G.-H. Bauer (Switzerland); Mr. R. Ehmcke (Germany); Mrs. Y. Kasikçi (Turkey); Mr. D. Kulevski (The Former Yugoslav Republic of Macedonia); Mr. J. Marques (European Community); Mrs. H. Metaxa-Mariatou (Greece); Mr. M. Olszewski (Poland); Mrs. N. Rybkina (Russian Federation).
3. The TIR Secretary attended the session in accordance with Annex 8, Article 9, paragraph 1 of the Convention.
4. The International Road Transport Union attended the session as observer in accordance with Annex 8, Article 11, paragraph 5 of the Convention and was represented by Mr. J. Groenendijk, Head, TIR Policy and Customs Border Crossing Facilitation.
5. Other organizations did not attend the session.

ADOPTION OF THE AGENDA

6. The TIRExB adopted the agenda of the session as prepared by the TIR Secretary (TIRExB/AGE/2002/12 and Add.1).

ELECTION OF A CHAIRMAN

7. In accordance with Annex 8, Article 11, paragraph 3 of the Convention, Mr. Michal Olszewski (Poland) was re-elected Chairman.

ADOPTION OF THE REPORT OF THE ELEVENTH SESSION OF THE TIRExB

Documentation: TIRExB/REP/2001/11.

8. The TIRExB adopted the report of its eleventh session as prepared by the TIR Secretary (TIRExB/REP/2001/11), subject to the following modifications:

Paragraph 33

Modify the first two sentences to read as follows:

"The TIRExB reiterated that the present situation had led to unequal Customs treatment of goods in different countries and jeopardized the functioning of the TIR system on a global scale. It was noted, however, that additional control measures are taken for sensitive goods in the EU in the framework of the Community and Common Transit System."

9. The revised text of the report of the eleventh session of the Board is contained in document TIRExB/REP/2001/11/Rev.1.

PRIORITY ITEMS FOR CONSIDERATION AND RESOLUTION BY THE TIRExB IN 2002

Documentation: TIRExB/REP/2001/9.

10. Having reviewed its programme of work for the year 2001 (TIRExB/REP/2001/9, para. 9), the TIRExB agreed on the following priority areas for consideration and resolution in 2002:

- National control measures;
- Monitoring of the price of TIR Carnets;
- Re-establishment of full guarantee coverage of TIR Carnets;
- Functioning of the TIR international guarantee system;
- Full application of the EDI control system for TIR Carnets;
- Support for training activities on the application of the TIR procedure, mainly in new Contracting Parties to the Convention;
- Possibility of granting specially "authorized consignees" permission to terminate TIR operations at their premises;
- Computerization of the TIR procedure;

- Preparation of an example of a TIR Carnet duly filled-in;
 - Prevention of the abuse of the TIR system by smugglers.
11. The Board also took note that the following two functions of the TIRExB listed in Article 10 of Annex 8 to the Convention had so far remained untouched:
- facilitation of the settlement of disputes between Contracting Parties, associations, insurance companies and international organizations;
 - maintenance of a central record for the dissemination to Contracting Parties of information to be provided by the IRU, 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.

EXAMPLE AUTHORIZATION AND EXAMPLE AGREEMENT

Documentation: TRANS/WP.30/AC.2/2001/7-TRANS/WP.30/2001/14; TIRExB/AGE/2001/11; Informal document No. 2 (2002).

12. The TIRExB took note that the TIR secretariat continued to receive new and/or updated agreements, which had been concluded between Customs authorities and national guaranteeing associations in line with Annex 9, Part 1, Article 1 (e). The TIR secretariat responds to each information received and, when necessary, gives comments in case such agreements contain provisions which could have a negative influence on the position of Customs authorities.

13. With regard to the remarks made by Mr. Parts (Estonia) on the legal correctness of certain provisions of the example authorization and example agreement, the TIRExB reaffirmed its position on the matter, as expressed in the reply by its Chairman (Informal document No. 2 (2002)). The Board reiterated the fact that these two documents, prepared by the TIRExB and endorsed in principle by the Administrative Committee at its thirty-first session (25 and 26 October 2001), should only serve as examples giving the minimum conditions and requirements which have to be included in the authorization and agreement in line with the provisions of Annex 9, Part 1, Article 1 (e). Parties are free to diverge from it, as long as these minimum conditions and requirements are met.

14. The TIRExB also recalled that, at its tenth session (14-17 May 2001), it had requested the TIR Secretary to prepare, in co-operation with the IRU, an example of a procedure for effective communication between the Customs authorities and the national guaranteeing association aiming at efficient settlement of disputes arising from improper or fraudulent use of TIR Carnets (TIRExB/REP/2001/10/Rev.2, para. 6).

15. Taking into consideration the amendments to the Convention and examples of best practices adopted under Phase II of the TIR revision process, the TIRExB agreed on the following basic approach for the preparation of the above example:

- first, identify the various stages in the communication scheme which are to be described. These steps should at least include pre-notification (newly adopted comment to Article 8), notification (Article 11, para. 1) and submission of the claim (Article 11, para. 2);
- as a next step, a minimum list of information for each of the communications should be drawn up.

The IRU offered to provide a number of examples from its files to enable an analysis of the minimum information required. A first draft document should be ready by June 2002, for discussion by the TIRExB.

ACCESS TO THE INTERNATIONAL TIR DATABANK (ITDB)

Documentation: Informal document No. 3 (2002).

16. Taking note of the current use of the ITDB, the TIRExB stressed that for its smooth functioning it was essential that personal identification (ID) numbers of TIR Carnet holders should be individual and unique. This means that (Informal document No. 3 (2002)):

- every new legal entity which is authorized to use the TIR system has to obtain a new ID number;
- ID numbers of TIR Carnet holders which have been permanently withdrawn from the system or which have decided to end their activity should not be reattributed to new companies;
- the TIRExB should be informed within one week, in case of substantive changes in the identification data of a TIR Carnet holder (data contained in the MAF form, i.e. name of person/enterprise, business address, contact point and access numbers), in order to record the changes in the International TIR Data Bank (ITDB) (Annex 9, Part II of the TIR Convention).

APPLICATION OF THE TIR CONVENTION IN CASE THE FIRST PART OF A

TRANSPORT OPERATION IS NOT MADE BY ROAD

Documentation: Informal document No. 4 (2002); Informal document No. 21 (2001).

17. On the basis of Informal document No. 4 (2002) prepared by the TIR Secretary upon request of the TIRExB, the Board discussed the applicability of the TIR procedure to an example transport operation which was carried out between one Customs office of departure and one Customs office of destination, involving three Contracting Parties (departure, transit and destination) and containing one non-road leg (railways, inland waterways, etc.). The objective of this exercise was to determine which practical Customs arrangements had to be made to ensure the due treatment of a TIR Carnet and application of Customs control provided that the holder would intend to use the TIR Carnet to the full extent.

18. The TIRExB came to the following general conclusion: a TIR operation in a given country may apply only in case the national Customs authorities are in a position to ensure proper control both at the Customs office of departure or entry (en route) and at the Customs office of exit (en route) or destination. As a consequence, a TIR transport should not begin or should be suspended if, during a non-road leg, the goods enter or leave the territory of this country without Customs involvement. Furthermore, in order to resume the suspended TIR transport after a non-road leg, Customs treatment and Customs control should be available at the end of the non-road leg.

19. The Board noted that the draft comment to the Convention proposed by the TIR Secretary in Informal document No. 21 (2001) was in line with the above conclusion. The TIR Secretary was requested to review this draft comment and submit it to the next session of the TIRExB for possible approval.

20. The TIRExB also agreed that, in practice, a TIR transport may start at the Customs office of departure of a Contracting Party and be suspended immediately at the same office by tearing off both vouchers No. 1 and No. 2. Although in this situation there will be neither guarantee nor TIR operation in this Contracting Party, the TIR transport may be easily resumed at the Customs office of entry (en route) into the next Contracting Party in accordance with the provisions of Article 26 of the Convention.

NATIONAL CONTROL MEASURES

Customs escorts

Documentation: Informal document No. 5 (2002).

21. The TIRExB took note of a survey on Customs escorts undertaken by the TIR Secretary in co-operation with the IRU upon request of the Board (Informal document No. 5 (2002)). Results of the survey will be presented at the next session of the TIRExB.

Recent instructions by the State Customs Committee (SCC) of the Russian Federation

Documentation: Informal document No. 6 (2002).

22. On the basis of official information submitted by Mrs. N. Rybkina (Russian Federation) (Informal document No. 6 (2002)), the TIRExB continued its deliberation on the restrictive measures introduced by the SCC with regard to the transit of some sensitive goods through the territory of the Russian Federation to some destinations abroad.

23. In accordance with a SCC circular, a decision regarding the transit of electronics goods, furniture and home appliances by road has to be made with the consent of the SCC as laid down below. The Customs office of entry (en route) transmits to the SCC all necessary information on the transport operation in question. On the day of its receipt, the SCC considers this information and takes one of the following decisions: allow the transit operation, make additional inquiries or to forbid the transit operation. Particular attention is given to the reliability of data on the consignee of the goods. Additional enquiries are made by means of a request transmitted to the Customs authorities of the country of destination (mainly CIS countries whose Customs administrations have agreements on mutual cooperation with the SCC) to make sure that the consignee does exist and does have a contract for the delivery of the goods. Following a reply to this request, a final decision is taken. While awaiting such a decision, the goods and road vehicles concerned are put into a Customs control zone.

24. It was pointed out that these measures were introduced by the SCC due to lack of trust in the TIR international guarantee system which had left many claims by the Russian Customs outstanding and in view of "false transit operations" when the goods cleared for transit at the point of entry did not leave the territory of the Russian Federation.

25. The TIRExB expressed its understanding for national control measures taken by the SCC in accordance with Article 42 bis of the Convention with a view to ensuring the safeguard of the TIR procedure in the Russian Federation in general and the proper use of TIR Carnets in particular. The TIRExB however was of the view that the special measures taken by the SCC in this regard relating to Customs transit of some selected cargoes to a few destination outside the territory of the Russian Federation were not in line with the provisions and the spirit of the TIR Convention as

- a TIR transport performed by an authorized TIR Carnet holder under cover of a valid TIR Carnet containing correct information on the goods should not be interrupted by Customs authorities simply due to the fact that the goods carried are considered "sensitive" and/or that a general doubt about the proper termination of a TIR operation exists, for example, due to lack of adequate information about the consignee(s) of the goods;
- inquiries about consignees resident outside the territory of the Russian Federation are difficult to be undertaken and, even in case mutual assistance procedures exist, are usually very time consuming and not always reliable. Such enquires may not justify delays of TIR trucks at the border.

26. The TIRExB requested the TIR Secretary to inform the SCC about the point of view of the Board on this matter and to put the relevant information on the TIR Web page.

CONCEPT OF AUTHORIZED CONSIGNEE IN THE TIR CONVENTION

Documentation: Informal document No. 1 (2002).

27. The TIRExB welcomed Informal document No. 1 (2002) prepared by the TIR Secretary, which outlined that the use of some types of simplifications at the premises of the consignee was permissible under the current text of the TIR Convention, but that the introduction of an explanatory note (or comment) into the TIR Convention would be advisable in order to ensure a minimum level of harmonized approach by all Contracting Parties.

28. The Board, aware that the use of facilities at the premises of the consignee often meets today's transport requirements and convinced that the framework of the TIR Convention was flexible enough to accept such facilities, requested the TIR Secretary to prepare for the next session a new document, which, on the assumption of acceptance of the principle, would analyze in detail the consequences on the provisions of the TIR Convention, in particular with regard to the process of termination and discharge. On the basis of the outcome of this document, the TIRExB would have to decide what kind of measures would be required to ensure a harmonized

approach in all Contracting Parties. As a next step, the UNECE Working Party on Customs Questions affecting Transport (WP.30) could provide further guidance on this matter.

PREPARATION OF AN EXAMPLE OF A TIR CARNET DULY FILLED-IN

Documentation: Informal document No. 14 (2001); Informal document No. 25 (2001).

29. The TIRExB stressed once again the importance of preparing an example of a TIR Carnet duly filled-in and was of the view that such an example should be prepared on the basis of the new TIR Carnet form to be modified in accordance with the amendments to the TIR Convention, scheduled to come into force on 12 May 2002 (Phase II of the TIR revision).

30. The Board agreed that the forthcoming entry into force of Phase II of the TIR revision should not change in substance the filling-in of the TIR Carnet. However, the Board noted that the current procedure of filling-in two boxes in the TIR Carnet might not be in line with their new names modified according to the newly adopted definitions of "termination of a TIR operation" and "discharge of a TIR operation" (Informal document No. 14 (2001)). The TIR Secretary was requested to prepare proposals on how to resolve this situation.

31. The TIRExB also took note that neither the current text of the Convention nor that amended under Phase II provided clear guidance with regard to the use of additional vouchers No. 1 and No. 2 in case of several Customs offices of departure or destination. Analyses undertaken in 2000 by the European Commission (TAXUD) revealed at least three options for such a procedure (Informal document No. 14 (2001)). The Board decided to revert to this issue at the next session and requested its members to consult with their respective Customs administrations which option should be pursued.

32. On the basis of Informal document No. 25 (2001), the TIRExB held a preliminary exchange of views on a recommended practical procedure of cooperation among Customs authorities in order to obtain within a short time a faultless model of a TIR Carnet duly filled-in. The Board decided to take a final decision on the issue at the next session.

LEGAL PROCEEDINGS IN GERMANY BETWEEN THE CUSTOMS ADMINISTRATION AND THE NATIONAL GUARANTEEING ASSOCIATION (REQUEST FOR A DECISION OF THE EUROPEAN COURT OF JUSTICE)

33. Mr. R. Ehmcke (Germany) informed the TIRExB about a litigation between the German Customs administration and a national guaranteeing association with regard to which the Federal Civil Court of Justice put a prejudicial request before the European Court of Justice. The legal

proceedings had been started in consultation with the guaranteeing association, since both parties were equally interested in obtaining a court decision on the relevant legal questions. The case dated back to the early 1990's when the Customs revealed a case of smuggling of cigarettes under cover of a TIR Carnet. Legal actions were taken against the holder at the national level. As a result, he was recognized as a Customs debtor but failed to pay the sums due. The association refused to meet the claim and contested the circumstances of the case already established in the course of legal proceedings against the holder. Following that, a civil law claim was lodged against the association. The German Customs administration is of the view that the case cannot be reopened at that level and that the association should meet the claim according to its deed of guarantee.

MONITORING OF THE PRICE OF TIR CARNETS

Documentation: Informal document No. 7 (2002).

34. The TIRExB took note of the issuing price of TIR Carnets for 2002 (Informal document No. 7 (2002)). The IRU stressed that this price had not changed since 1995, despite a considerable increase in the number and total amount of Customs claims lodged with the international guarantee system over the last years. The price is annually approved by the IRU General Assembly upon proposal of the Presidential Executive.

35. Some TIRExB members were of the view that the information on the absolute price of TIR Carnets provided by the IRU did not enable the Board to properly perform its monitoring function. Thus, the information should be complemented by data on the price structure and its components for the sake of transparency. Other members of the Board argued that price components were a commercial matter of the IRU and its member associations and that monitoring of the price structure could go beyond the mandate of the TIRExB according to the Convention. It was also mentioned that the TIRExB might wish to look into retail prices of TIR Carnets at the national level which could vary greatly from one country to another.

36. The Board decided to continue its deliberations on the issue at the next session. It also requested the TIR Secretary, in cooperation with the IRU, to prepare a document explaining the correlation between the levy on TIR Carnets charged for the operation of the TIRExB and the TIR secretariat and the actual as well as expected numbers of TIR Carnets issued in 1999-2001.

MONITORING OF THE FUNCTIONING OF THE TIR GUARANTEE SYSTEM

37. Due to the absence of detailed written information on the subject, the TIRExB postponed its consideration until the next session and again requested the IRU to submit statistical data on the number and total amount of claims lodged by the Customs administrations in all Contracting Parties (country by country) indicating also the payments effected by the TIR guarantee chain.

FRAUDULENT ACCEPTANCE OF A TIR CARNET AT THE CUSTOMS OFFICE OF DEPARTURE

38. The issue was not discussed due to lack of time.

INCREASE IN THE NUMBER OF LOADING AND UNLOADING PLACES

39. The issue was not discussed due to lack of time.

OTHER MATTERS

40. The TIRExB was informed of TIR related meetings preliminary planned for the year 2002.

DATE AND PLACE OF NEXT SESSIONS

41. The TIRExB confirmed its earlier decision to hold its thirteenth session from 10 to 12 April 2002 in Trieste (Italy), upon the invitation of the Italian Customs administration. The fourteenth session of the Board was tentatively scheduled to take place on 13 and 14 June 2002 in Geneva.

**REPORT OF THE THIRTEENTH SESSION
OF THE TIR EXECUTIVE BOARD (TIRExB)**
(10-12 April 2002)

ATTENDANCE

1. The TIR Executive Board (TIRExB) held its thirteenth session from 10 to 12 April 2002 in Trieste, Italy.
2. The following members of the TIRExB were present: Mr. M. Amelio (Italy); Mr. G.-H. Bauer (Switzerland); Mr. R. Ehmcke (Germany); Mrs. Y. Kasikçi (Turkey); Mr. D. Kulevski (The former Yugoslav Republic of Macedonia); Mr. J. Marques (European Community); Mrs. H. Metaxa-Mariatou (Greece); Mr. M. Olszewski (Poland); Mrs. N. Rybkina (Russian Federation).
3. The TIR Secretary attended the session in accordance with Annex 8, Article 9, paragraph 1 of the Convention.
4. The International Road Transport Union (IRU) attended the session as observer in accordance with Annex 8, Article 11, paragraph 5 of the Convention and was represented by Mr. J. Groenendijk, Head, TIR Policy and Customs Border Crossing Facilitation.
5. Other organizations did not attend the session.

ADOPTION OF THE AGENDA

6. The TIRExB adopted the agenda of the session as prepared by the TIR Secretary (TIRExB/AGE/2002/13) with the inclusion of the following agenda item:

Agenda item 14: Implementation of the TIR Convention in Yugoslavia.

ADOPTION OF THE REPORT OF THE TWELFTH SESSION OF THE TIRExB

Documentation: TIRExB/REP/2002/12 and Rev.1.

7. The TIRExB adopted the report of its twelfth session as prepared by the TIR Secretary (TIRExB/REP/2002/12), subject to the following modifications:
After paragraph 19 add a new paragraph to read as follows:

"19 bis. The TIRExB also agreed that in practice a TIR transport may start at the Customs office of departure of a Contracting Party and be suspended immediately at the same office by tearing off both vouchers No. 1 and No. 2. Although in this situation there will be neither guarantee nor TIR operation in this Contracting Party, the TIR transport may be easily resumed at the Customs office of entry (en route) into the next Contracting Party in accordance with the provisions of Article 26 of the Convention."

Delete paragraph 23.

Delete the word "numerous" in paragraph 24.

Modify paragraph 33 to read as follows:

"33. Mr. R. Ehmcke (Germany) informed the TIRExB about a litigation between the German Customs administration and a national guaranteeing association with regard to which the Federal Civil Court of Justice put a prejudicial request before the European Court of Justice. The legal proceedings had been started in consultation with the guaranteeing association, since both parties were equally interested in obtaining a court decision on the relevant legal questions. The case dated back to the early 1990's when the Customs revealed a case of smuggling of cigarettes under cover of a TIR Carnet. Legal actions were taken against the holder at the national level. As a result, he was recognized as a Customs debtor but failed to pay the sums due. The association refused to meet the claim and contested the circumstances of the case already established in the course of legal proceedings against the holder. Following that, a civil law claim was lodged against the association. The German Customs administration is of the view that the case cannot be reopened at that level and that the association should meet the claim according to its deed of guarantee."

8. The revised text of the report of the twelfth session of the Board is contained in document TIRExB/REP/2002/12/Rev.1.

FRAUDULENT ACCEPTANCE OF A TIR CARNET AT THE CUSTOMS OFFICE OF DEPARTURE

Documentation: Informal document No. 8 (2002).

9. The TIRExB considered the validity of the TIR guarantee in the following practical situation (Informal document No. 8 (2002)). The acceptance of a valid TIR Carnet at the Customs office of departure in country A was falsified by using fake Customs stamps. In the next country B the Customs office of entry (en route) accepted the TIR Carnet and detached voucher No.1 (page 3). At the Customs office of destination in country B, no termination of the TIR operation took place.

10. Some members of the Board were of the view that no guarantee coverage existed in this case as there was no start of a TIR transport in country A and, thus, in legal terms neither the TIR transport nor its national parts – TIR operations in countries A and B – had been carried out. In view of the complexity of the case, the TIR secretariat was requested to prepare a new document on the issue, taking account of the new definitions adopted under Phase II of the TIR revision process.

LISTS OF SO-CALLED "INVALIDATED" TIR CARNETS

Documentation: Informal document No. 16 (2002).

11. The TIRExB took note that the IRU was regularly distributing among Customs authorities of Contracting Parties listings of so-called "invalidated" TIR Carnets with the request not to accept such TIR Carnets, but to retain and return them to the IRU. Usually such listings included lost and stolen TIR Carnets. However, recently another type of invalid TIR Carnet had come into being: unused TIR Carnets issued in advance to a person who was afterwards withdrawn from the TIR system (Informal document No. 16 (2002)). The IRU informed the TIRExB that this type of invalid TIR Carnet had always been reported, under the usual formats (CuteWise and faxes). The accompanying faxes attached to the Informal document had been sent by mistake and it would not be repeated.

12. The Board felt that Customs authorities should take appropriate measures to detect and retain such TIR Carnets because they are indeed subject to misuse. It was stressed, however, that, given a delay in forwarding these "black" lists to local Customs offices and the impossibility to check each and every paper TIR Carnet under a mass system such as TIR, it is not acceptable to declare these TIR Carnets as bearing no valid guarantee. In this context, the TIRExB recalled the earlier conclusions on the issue drawn by the Working Party on Customs Questions affecting

Transport (WP.30) (TRANS/WP.30/159, paras. 50-54 and TRANS/WP.30/162, paras. 54-55) and pointed out that a TIR Carnet, once accepted by the Customs office of departure before its date of expiry, would remain valid until the end of a TIR transport. The Board also noted that the ultimate solution of the problem of "invalidated" TIR Carnets could be found only in the framework of the computerized TIR system (Phase III of the TIR revision process).

MONITORING OF THE FUNCTIONING OF THE TIR GUARANTEE SYSTEM

Customs claim statistics

13. The TIRExB recalled that, at its two previous sessions, the IRU had been requested to submit statistical data on the number and total amount of claims lodged by the Customs administrations in all Contracting Parties (country by country) indicating also the payments effected by the TIR guarantee chain (TIRExB/REP/2001/11, para. 41 and TIRExB/REP/2002/12, para. 37).

14. The IRU informed the TIRExB that the requested data could not be submitted by the IRU for statutory and legal reasons and that only consolidated data on Customs claims could be provided.

15. The TIRExB expressed its deep regret over this situation that might be perceived as a lack of co-operation from the IRU. This lack of co-operation unfortunately requires that the Board change its methods to ensure the fulfilment of one of its tasks according to the provisions of the TIR Convention – the supervision of the functioning of the TIR guarantee system. The Board felt that its supervisory body, the TIR Administrative Committee, should be informed about this situation. Furthermore, the TIRExB decided to gather the necessary data directly from the Customs authorities of Contracting Parties and requested the TIR Secretary to prepare and distribute, as soon as possible, a questionnaire on Customs claims covering the period from 1999 to 2001. Some guidance was given with regard to the content of such a survey.

Settlement of Customs claims in the Russian Federation

Documentation: Informal document No. 9 (2002).

16. At the request of Mrs. N. Rybkina (Russian Federation), the TIRExB held a first round of discussions on problems concerning the settlement of Customs claims in the Russian Federation and resulting from the different views of the State Customs Committee (SCC) and the IRU on the validity of payment requests (Informal document No. 9 (2002)).

17. The TIRExB stressed that, in principle, the TIR Convention is designed in such a way that all Customs claims should be settled at the national level. Furthermore, the Board felt that many specific issues brought to its attention (for example, application of Article 8.7 of the Convention and internal Customs instructions) related to the Russian national legislation. Thus, the TIRExB wondered why the above Customs claims which should be dealt with by the SCC and ASMAP had become a subject for bilateral negotiations between the SCC and IRU.

18. In response to this inquiry, Mrs. N. Rybkina (Russian Federation) informed the TIRExB that, according to her information, ASMAP had not been allowed to accept Customs claims without the consent of the IRU. The Board felt that the IRU should not prevent national associations from payment of Customs claims considered as justified by the associations. In this context, the IRU pointed out that national associations may effect payments from their own resources, but in order to get reimbursement from the international guarantee chain these payments should be made with the consent of the IRU.

19. The TIRExB was of the view that the SCC, under the current circumstances, should bring a lawsuit against ASMAP before a competent national court. The observer of the IRU was of the view that many of the claims referred to in the document were out of the scope of the TIR Convention and the related guarantees provided by ASMAP. Remedies should be found outside the TIR Convention, i.e. the payments should be requested from the real debtors and liable persons all located in the Russian Federation in this particular context. The Board also felt that the old agreement signed as early as in 1992 between the SCC and ASMAP might need to be modified, possibly in line with the example authorization and example agreement elaborated by the TIRExB in 2001 and included into the new edition of the TIR Handbook (2002). Another suggestion by the Board was to exclude transport operators who had committed serious Customs infringements from the TIR procedure or to withdraw their authorization to utilize TIR Carnets in case of domestic transport operators. It was also highlighted that, in line with the relevant provisions of the Convention, the TIRExB should be informed without delay on both the exclusion and withdrawal of authorization.

20. The TIRExB decided to continue its deliberations on the issue, possibly in the light of the results of the survey mentioned in para. 15 above. Meanwhile, the TIR Secretary was requested to contact the competent authorities of the Russian Federation with a view to informing them about the results of the discussions held by the Board.

Impact of the amendments to the TIR Convention (Phase II of the TIR revision process) entering into force on 12 May 2002 on the TIR guarantee system

Documentation: Informal document No. 17 (2002).

21. On the basis of Informal document No. 17 (2002) the TIRExB held a first exchange of views regarding the implementation of Article 6, new paragraph 2 bis and new Explanatory Note 0.6.2 bis of the TIR Convention and decided to continue its considerations at the next session.

USE OF THE INTERNATIONAL TIR DATABANK (ITDB)

22. The TIRExB was informed by the TIR secretariat of the latest developments in the ITDB programme. It took note of various advantages of the 2001 edition in comparison to the previous version, especially the additional security features and the import/export facilities that would allow a secured and easy data exchange between national associations, Customs authorities and the TIR secretariat.

APPLICATION OF THE TIR CONVENTION IN CASE THE FIRST PART OF A TRANSPORT OPERATION IS NOT MADE BY ROAD

Documentation: Informal document No. 10 (2002); Informal document No. 21 (2001).

23. On the basis of Informal Document No. 10 (2001) prepared by the TIR Secretary, the TIRExB adopted and decided to transmit to the TIR Administrative Committee the following comment to Articles 2 and 26 of the Convention:

"Use of the TIR procedure in case a part of the journey is not made by road

According to Article 2 of the Convention, as long as some portion of the journey between the beginning and the end of a TIR transport is made by road, other modes of transport (railways, inland waterways, etc.) can be used. During a non-road leg, the holder of a TIR Carnet may either:

- ask the Customs authorities to suspend the TIR transport in accordance with the provisions of Article 26, paragraph 2 of the Convention. In order to resume the suspended TIR transport, Customs treatment and Customs control should be available at the end of the non-road leg. If the whole part of the journey in the country of departure is not made by road, the TIR operation may start and be immediately certified as terminated at the Customs office of departure by tearing off both vouchers No. 1 and No. 2 of the TIR Carnet. Under these circumstances, no TIR guarantee is provided for the remainder of the journey inside this country. However, the TIR transport could be easily resumed at the Customs office situated at the end of the non-road leg in another Contracting Party in accordance with the provisions of Article 26 of the Convention; or

- use the TIR procedure. However, in this case the holder should take into account that a TIR operation in a given country may apply only in case the national Customs authorities are in a position to ensure the proper treatment of the TIR Carnet at the following points (as applicable): entry (en route), exit (en route) and destination."

24. The Board also felt that in situations covered by Article 26 of the Convention, it would be advisable to make proper inscriptions on counterfoil No. 2 of the TIR Carnet at the Customs office where a TIR transport is suspended and on the following counterfoil No. 1 at the Customs office where a TIR transport is resumed. This procedure could facilitate Customs control over the whole TIR transport as well as a posteriori checking of the TIR Carnet by the national association and the IRU. To this end, a separate comment to Article 26 could be prepared.

NATIONAL CONTROL MEASURES

Customs escorts

Documentation: Informal document No. 11 (2002).

25. The TIRExB was informed of the results of a survey on Customs escorts undertaken by the TIR Secretary at the request of the Board (Informal document No. 11 (2002)). In particular, the TIRExB noted that, although many countries (50 %) outside the EU applied, in principal, Customs escorts for TIR operations, most of them did so not on a large scale but rather rarely. In general, such escorts, as long as applied properly, did not obstruct trade disproportionately. However, some key countries had not replied to the questionnaire or not reported all requested data. The TIR secretariat would send a reminder to those countries. Therefore, it was not clear whether transport operators had experienced problems in these countries in terms of expenses and delays resulting from the implementation of escorts.

26. It was also stressed that the above conclusions were based on official replies received from the competent authorities. In order to obtain a versatile picture, a survey of the transport industry was deemed to be required. In this context, the IRU informed the TIRExB of its activities with regard to preparing and conducting such a survey in the near future. A sample of the IRU questionnaire was distributed during the meeting.

27. The Board decided to revert to this issue once results of the second survey had been obtained and analyzed.

Recent instructions by the State Customs Committee (SCC) of the Russian Federation

Documentation: Informal document No. 12 (2002).

28. In line with the mandate provided in Article 42 bis of the Convention, the TIRExB considered Order No. 1132 of 28.11.2001 of the State Customs Committee (SCC) of the Russian Federation which had entered into force on 11 February 2002 introducing a number of procedures for Customs clearance of so-called sensitive goods (mainly electronics and domestic appliances) imported into the Russian Federation by road (Informal document No.12 (2002)).

29. According to the SCC, the double objective of the above Order was to tighten Customs control over sensitive goods and, at the same time, to facilitate their clearance by means of a preliminary cargo declaration which the consignee (importer) could lodge at the Customs office of destination. A preliminary cargo declaration should be submitted to Customs following the payment of all Customs duties and taxes due and before the goods enter the Russian territory. Irrespective of whether a preliminary cargo declaration was available or not, sensitive goods could only be produced and finally cleared at a limited number of approved Customs offices of destination and licensed Customs warehouses.

30. Mrs. N. Rybkina (Russian Federation) informed the TIRExB that such a preliminary cargo declaration was optional and had been introduced at the request of business representatives (consignees) in the Russian Federation. This new measure would provide both the transport operators and consignees with certain advantages. For example, it would make the application of special control measures, such as physical inspection of sensitive goods at the border as well as Customs escorts (applied in the case of transport of sensitive goods), superfluous.

31. Some TIRExB members were of the view that Order No. 1132 of the SCC did not directly affect the TIR procedure as it was aimed at the Customs clearance for importation at the request of trade. However, other members expressed their doubts whether or not the above Order by the SCC was in line with the spirit and the provisions of the TIR Convention, in particular, Article 4. They argued that the prescribed procedure would link the TIR transit regime with following Customs procedures and, thus, should be abolished. They also pointed out that the requirements for Customs escorts and/or physical inspection for a large number of so-called sensitive goods (in this case household appliances and electronic goods) were not in line with the requirements of Articles 5 and 23 of the Convention stipulating that Customs escorts, physical inspections, etc. should only be applied in exceptional circumstances.

32. The TIRExB felt that the practical implementation of the Order and its repercussions on Customs transit operations were not clear. Therefore, the TIRExB decided to continue the discussion on the issue at its next session.

CONCEPT OF AUTHORIZED CONSIGNEE IN THE TIR CONVENTION

Documentation: Informal document No. 13 (2002).

33. The issue was not discussed due to lack of time.

PREPARATION OF AN EXAMPLE OF A TIR CARNET DULY FILLED-IN

Documentation: Informal document No. 14 (2002); Informal document No. 25 (2001); Informal document No. 14 (2001).

34. The issue was not discussed due to lack of time.

MONITORING OF THE PRICE OF TIR CARNETS

Documentation: Informal document No. 15 (2002).

35. The issue was not discussed due to lack of time.

PREVENTION OF THE ABUSE OF THE TIR SYSTEM

36. The issue was not discussed due to lack of time.

INFORMATION BY THE TIR SECRETARY

Documentation: Informal document No. 18 (2002).

37. The TIRExB took note of the current situation with regard to the transmission of legally required documentation (Informal document No. 18 (2002)).

OTHER ISSUES

Restriction on the distribution of documents

38. The TIRExB noted with concern that, apparently, the content of some TIRExB documents marked "Restricted" had been made available to persons outside the Board. The TIRExB recalled its discussions held at the first, second and seventh sessions (TIRExB/1999/7/Rev.1, para. 9 and TIRExB/REP/2000/7/Rev.2, para. 37) and reiterated its earlier view that, unless decided otherwise, only approved reports of sessions of the TIREXB were subject to general distribution.

Implementation of the TIR Convention in Yugoslavia

39. The TIRExB took note that some transport operators encountered problems when transiting the Federal Republic of Yugoslavia with goods under cover of a TIR Carnet in cases where the value of the goods exceeded a certain amount (either € 100,000 or € 150,000). Due to lack of time, the issue was not discussed.*

40. The TIRExB expressed its appreciation to the Customs authorities of Italy and in particular to the Customs authorities in Trieste and Gorizia for the excellent organization of the session and the hospitality extended to all participants.

DATE AND PLACE OF NEXT SESSION

41. The TIRExB decided to hold its fourteenth session on 17 and 18 June 2002 in Geneva in conjunction with the one-hundred-and-first session of the Working Party on Customs Questions affecting Transport (WP.30).

* Following the session, the TIR secretariat has contacted the competent authorities of Yugoslavia with a view to verifying the above information. In reply to this inquiry, the Federal Customs Administration of Yugoslavia has informed the TIR secretariat that possible incidents must have been a consequence of the fact that, due to the recent introduction of the TIR system in Yugoslavia, not all Customs officials were fully familiar with the application of the provisions of the TIR Convention at the national level. As a result of renewed instructions, given by the Head Office, no more similar incidents should occur.