



Economic and Social Council

Distr.: General
7 December 2018

Original: English

Economic Commission for Europe

Administrative Committee for the TIR Convention, 1975

Seventy-ninth session

Geneva, 7 February 2019

Item 4 (a) (i) of the provisional agenda

Activities and administration of the TIR Executive Board:

Activities of the TIR Executive Board:

Report by the Chair of the TIR Executive Board

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

I. Attendance

1. The TIR Executive Board (TIRExB) held its seventy-eighth session on 15 October 2018 in Geneva.
2. The following members of TIRExB were present: Mr. G. Andrieu (France), Mr. M. Ayati (Iran (Islamic Republic of)), Ms. D. Dirlik Songür (Turkey), Ms. B. Gajda (Poland), Ms. L. Jelínková (European Commission) and Ms. E. Takova (Bulgaria). Mr. S. Amelyanovich (Russian Federation), Mr. S. Fedorov (Belarus) and Mr. S. Somka (Ukraine) were excused.
3. The Board noted the absence of Mr. Amelyanovich (Russian Federation) and Mr. Fedorov (Belarus) for a second time and requested the secretariat to send reminders to their administrations recalling the significance of participation of all Board members at the meetings.
4. The International Road Transport Union (IRU) attended the session as observer and was represented by Mr. Y. Guenkov.
5. The Board also welcomed Mr. Konstantinos Alexopoulos as the new TIR Secretary.

II. Adoption of the agenda (agenda item 1)

Documentation: Informal document TIRExB/AGE/2018/78

6. TIRExB adopted the agenda of the session as contained in Informal document TIRExB/AGE/2018/78, with the addition that TIRExB decided to discuss under item 12 (Other matters), Informal document No. 22 (2018) by IRU on the amendment proposals to the convention prepared by TIRExB.

III. Adoption of the report of the seventy-seventh session of TIRExB (agenda item 2)

Documentation: Informal document TIRExB/REP/2018/77draft with comments

7. TIRExB adopted the draft report of its seventy-seventh session subject to the rephrasing as suggested by Ms. Takova (Bulgaria) and Mr. Somka (Ukraine) in Informal document TIRExB/REP/2018/77draft with comments.

IV. Application of specific provisions of the TIR Convention (agenda item 3)

Consideration of amendment proposals

Proposals to introduce more flexibility in the guarantee system

8. TIRExB reiterated its decision to commence considerations of the matter only subsequent to the deliberations of the Administrative Committee (AC.2) (TIRExB/REP/2017/75final, para. 7). The Board took note that the amendment to the Explanatory Note to Article 8, paragraph 3, increasing the maximum amount to be claimed from the guaranteeing association to 100,000 euros, had entered into force on 1 July 2018.

V. Budget proposal and cost plan of TIRExB and the TIR secretariat for the year 2019 (agenda item 4)

Documentation: ECE/TRANS/WP.30/AC.2/2018/7, ECE/TRANS/WP.30/AC.2/2018/8, ECE/TRANS/WP.30/AC.2/2018/9, ECE/TRANS/WP.30/AC.2/2018/10

9. The Board took note of its final accounts for the year 2017, together with a report covering the period from 1 January 2018 until 30 June 2018, prepared by the secretariat and contained in documents ECE/TRANS/WP.30/AC.2/2018/7 and ECE/TRANS/WP.30/AC.2/2018/8, respectively.

10. The Board considered the budget proposal and cost plan of TIRExB and the TIR secretariat for the year 2019, as well as the net amount to be transferred by IRU (see ECE/TRANS/WP.30/AC.2/2018/10). The Board endorsed the budget proposal and cost plan of TIRExB and the TIR secretariat for the year 2019, as well as the net amount to be transferred by IRU. In addition, TIRExB took note of document ECE/TRANS/WP.30/AC.2/2018/9, outlining the main considerations on the deficits accrued from previous years.

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

A. eTIR project and eTIR pilot projects

11. The Board noted that, at the kind invitation of the customs administration of the Netherlands, the twenty-ninth session of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR procedure (GE.1) would take place in Rotterdam on 14 and 15 November 2018 and that GE.1 would, inter alia, discuss fall-back procedures and the use of pointers for errors and amendments.

12. The Board further noted that eTIR transports continued to be carried out between Iran (Islamic Republic of) and Turkey and that efforts have been undertaken by both countries to extend the scope of the project to more transport companies and more customs offices. The Board also noted that, due to the fact that the adoption of Annex 11 might take some time, the Turkish customs administration has sent a proposal to the Iranian customs administration to conclude a bilateral agreement, based on the provisions of draft Annex 11, which would allow expansion of the scope of the project.

13. The Board also noted that ECE and IRU continue to work towards launching eTIR pilot projects with new countries. With regard to the intermodal eTIR project between Azerbaijan, Georgia, Kazakhstan and Ukraine, the customs administrations of all countries concerned have confirmed their willingness to take part in the project and accepted the standard conditions for computerization projects to be launched in the framework of the Memorandum of Understanding signed by ECE and IRU on 6 October 2017. The board also took note that the customs administrations of Azerbaijan, India and Iran (Islamic Republic of) met in Teheran on 2 and 3 July 2018 and had expressed their willingness to work on an eTIR project along the International North-South Transport Corridor (INSTC). An agreement is already being discussed between Azerbaijan and Iran (Islamic Republic of) to start the required developments in their national ICT customs systems as well as to start eTIR transports between both countries.

14. Finally, the Board noted that the draft text of Annex 11 would be considered by the Working Party on Customs Questions affecting Transport (WP.30) at its 150th session. The Board called upon contracting parties to speed up the work towards the finalization and adoption of Annex 11.

B. International TIR Data Bank

Documentation: Informal document No. 19 (2018)

15. The Board recalled that, at its previous session, it decided to continue considerations on the data requirements for the new module of the International TIR Data Bank (ITDB) on customs offices, taking into account the reflections from countries. The Board continued its considerations on the basis of the Informal document No. 19 (2018) drafted by the secretariat and addressing the data requirements as well as the reflections from countries.

16. The secretariat informed TIRExB that the module was developed mainly on the basis of the data requirements set in document ECE/TRANS/WP.30/AC.2/2014/4 and considered by AC.2 at its fifty-seventh session (February 2014). The secretariat added that the request of the Committee to allow an automatic exchange of data with already existing systems, developed by contracting parties to that end, was also taken into account when finalizing the data requirements for the new module. The secretariat confirmed that the classes used in the new module were in line with the transit office master data of the World Customs Organization (WCO) Data Model Version 3.7.

17. The Board decided that a minimum set of mandatory data would suffice for data entry at a first stage, but that other relevant fields should also be available as optional. In this regard, the Board decided to set the following classes as mandatory:

- (a) name;
- (b) office identification number (office ID);
- (c) country;
- (d) city;
- (e) roles.

18. The Board drew attention to the importance of entering data both in the mandatory and optional fields, to the extent possible.

19. Regarding the “office ID” field, the Board decided to keep it as an open field in order to allow different data structures in contracting parties. With regard to the “roles” field, taking into account reflections from the New Computerized Transit System (NCTS) countries on the difference between the transit office in NCTS and the customs office en route in the TIR system, the Board decided that the “transit (TRA)” role in the current class diagram be amended as “en route (ENR)” to align with the provisions of the TIR Convention. Mr. Guenkov (IRU) raised concerns about possible additional restrictions in the TIR procedure due to the selection of different roles for customs offices. The Board underlined that, in line with the TIR Convention, the module allowed selecting all available roles for an office (i.e. departure, destination, en route). The Board added that the data entry to the ITDB should not lead to restrictions in the use of the TIR procedure, but rather reflect the practice.

20. The Board took account of the feedback from the Russian Federation on legal constraints about defining competent authorities and officials to submit data on customs offices directly to the ITDB since data entry to customs offices module is not legally established in the Convention. The Board decided that the secretariat would continue entering data on behalf of contracting parties in similar situations upon provision of, at least, the mandatory information.

21. The Board decided to continue its consideration of the matter, reiterating its position to make the data public once the work is completed.

22. Further, the Board recalled that at its previous session it took note of the information by the secretariat on increasing interest of competent authorities to check the holder status against the ITDB during actual TIR transports and the need for providing 24/7 technical support to the ITDB in such a case. The secretariat informed the Board that the servers of the ITDB, currently located at United Nations Office in Geneva (UNOG), could be moved to a United Nations enterprise data centre with such technical support capacity. In view of the allocated funds in the 2019 budget, the Board instructed the secretariat to take necessary steps to host the ITDB at a United Nations enterprise data centre. Ms. Jelínková (European Commission) requested the secretariat to transmit the contact information of technical support services at new premises to the ITDB users, in a timely manner.

VII. Adaptation of the TIR procedure to modern business, logistics and transport requirements (agenda item 6)

Documentation: Informal document No. 16 (2018)

Implementation of the intermodal aspects of the TIR procedure

23. TIRExB continued consideration of an example provided by IRU, which concerned an intermodal TIR transport with three different modes of transport between Iran (Islamic Republic of) and Slovenia. The Board reiterated its consideration of the case as a promising intermodal TIR transport example.

24. Mr. Guenkov (IRU) informed the Board about a new intermodal transport pilot, conducted between the United Arab Emirates (UAE) and the Czech Republic, which included a maritime leg between the port of Dubai (UAE) and the port of Hamburg (Germany), and road and rail legs afterwards. He mentioned that the example constituted a natural way of using the TIR procedure in intermodal transport. He emphasized the need to take such practices by the transport industry into account when considering the matter. He added that IRU was cooperating with the International Rail Transport Committee (CIT) to draw up a checklist of operations that transporters willing to use the intermodal transport should follow, notably including road and rail legs, and that they would share the results of this work with the Board. He also drew attention to the importance of computerization for the use of TIR procedure in connection with maritime transport, due to high level of computerization in maritime operations.

25. Mr. Alexopoulos, Secretary of the Working Party on Intermodal Transport and Logistics (WP.24), informed the Board that the use of the TIR procedure in intermodal transport was of interest to WP.24 as well and that the secretariat had presented the example between Iran (Islamic Republic of) and Slovenia at the November 2017 session of WP.24. He underlined the importance of having concrete examples that are in line with national requirements of contracting parties. Further, he referred to the cooperation with regional organizations to conduct regional projects, such as the block train project of the Economic Cooperation Organization (ECO). He expressed the willingness to conduct a thorough examination of the issue for consideration by TIRExB.

26. Mr. Ayati (Iran (Islamic Republic of)), drew attention to the increasing need for the use of intermodal TIR transport, especially in connection with transportation from/to new contracting parties such as India.

27. In order to achieve other feasible examples of intermodal transport, TIRExB requested the secretariat to conduct an analysis of the use of the TIR procedure in intermodal transport for its next session. Mr. Guenkov (IRU) expressed willingness of IRU to contribute to this study.

VIII. Settlement of disputes between contracting parties, associations, insurance companies and international organizations and the IRU external audit report (agenda item 7)

A. Settlement of disputes between contracting parties, associations, insurance companies and international organizations

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

28. Further to the mandate by AC.2 to assess whether and to which extent it would be possible to include provisions on the relation between the international organization and its national associations in the text of the TIR Convention (see ECE/TRANS/WP.30/AC.2/137, paras. 16 and 39), the Board continued its considerations of a new Explanatory Note to Article 6, paragraph 2 of the convention, clarifying the reasons for the termination of the agreements concluded between the international organization and its national associations, as stipulated by Explanatory Note 0.6.2 bis-1.

29. TIRExB confirmed previous findings that the contract between the international organization and its national associations is primarily a contractual relation under private law and that any involvement from governments in the drafting of new provisions should be limited to customs-related issues only. Therefore, TIRExB was of the opinion that, in order to address the issues raised by the Romanian customs authorities or similar cases, it seemed more appropriate to develop some type of early warning mechanism, in which all stakeholders (international organization, national associations and customs authorities) would be urged to inform each other as well as TIRExB well in advance of any change in circumstance that could run the risk of leading, potentially, to the termination of the relation between the international organization and a national association on the one hand, and the termination of the agreement between the customs authorities and the national association on the other hand.

B. IRU external audit report

30. TIRExB recalled that at its previous session, it held a first round of discussions on the request of AC.2 to further look into the IRU external audit report and assess if, on the basis of its budget provisions, it would be possible to engage an expert or a consultant to review the full report on behalf of AC.2. The Board was of the opinion that the disproportionality between the considerable costs (which could easily go up to US\$ 50,000) as compared to the potential small chance of anything viable coming from such second audit report did not justify such act and, therefore, decided not to pursue the matter, requesting the Chair to report these findings to AC.2.

IX. Prices of TIR Carnets (agenda item 8)

Documentation: Informal document No. 20 (2018)

A. Analysis of the prices of TIR Carnets

31. The Board took note that, despite reminders sent by IRU to those associations that had not provided information on their TIR Carnet prices, a number of associations have not yet

sent the required information. The Board mandated the secretariat to request the assistance of customs administrations to ensure that all associations comply with their obligation with regard to Annex 9, Part I, paragraph 3 (vi) before its next session. The Board took note of the revised TIR Carnet prices contained in Annex VII of Informal document No. 20 (2018) and requested the secretariat to update the data published on the TIR website.

32. The Board welcomed the analysis of the 2018 TIR Carnet prices, contained in Annex VIII of Informal document No. 20 (2018) and agreed with the conclusions contained therein. However, considering that some 2018 TIR Carnet prices are still missing, the Board requested the secretariat to update the analysis for its next session, on the assumption that more associations would provide the 2018 TIR Carnet prices.

33. Finally, The Board also considered Annex IX and X of Informal document No. 20 (2018), containing the results of the survey on TIR Carnet prices as well as a new draft survey. For the collection of the 2019 TIR Carnet prices, the Board requested the secretariat to launch the new survey before 31 December 2018.

B. Distribution prices

34. The Board continued consideration of a request by the Russian Federation on clarifying the application of Article 7, i.e. the meaning of the TIR Carnet form in the Article. The Board assessed that its meaning was clear in that the provision explicitly stipulates that TIR Carnet forms shall not be subjected to import and export duties and taxes and be free of other import and export prohibitions and restrictions and that, thus, there was no need to adjust or amend the provision. TIRExB members present confirmed this application in their respective countries. The representative of IRU referred to a legal advice from its former Head of Legal Services of 1991, underlining such practice and stating that any other interpretation would render the scope of Article 7 meaningless.

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

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

35. TIRExB noted that there was no new information on the agenda item. The Board reiterated its decision to revert to the Moldovan association with a complete reply including the regulations introduced by Ukraine, once a reply from Ukrainian authorities had been received, before closing the item.

XI. Self-evaluation (agenda item 10)

Documentation: Informal document No. 21 (2018)

36. TIRExB recalled that, at its seventy-third session (June 2017), it had decided, as part of its 2017–2018 programme of work, to prepare a quantitative and qualitative assessment of its achievements in relation with its programme of work and mandate according to the TIR Convention and to submit a report to the TIR Administrative Committee for endorsement (see ECE/TRANS/WP.30/AC.2/2017/12).

37. The Board considered Informal document No. 21 (2018) by the secretariat, containing a summary of main activities and achievements during its term of office. The secretariat was requested to update the document in order to reflect the report of seventy-seventh session (June 2018) and to highlight the main achievements. TIRExB also requested the secretariat

to send a personal evaluation form to the members for their assessment as per standing practice and submit the consolidated replies to the Board at its next session.

XII. Activities of the secretariat (agenda item 11)

A. General activities of the secretariat

38. The Board took note of the information by the secretariat of follow-up actions to previous decisions, such as:

(a) submission of amendment proposals on mandatory submission of data using the ITDB and the example agreement to AC.2 (see ECE/TRANS/WP.30/AC.2/2018/12 and 13);

(b) submission of the opinion and the recommendations of the Board on the proper use of TIR carnets, as raised by Uzbek customs, to the attention of the competent authorities at WP.30 at its 149th session (ECE/TRANS/WP.30/298, para.23);

(c) sending a letter to the Kyrgyz customs administration with regard to problems encountered by Kyrgyz transporters at the Kazakh border;

(d) release of the new version of the TIR handbook, i.e. eleventh version, in English, French and Russian in August 2018 and that the Arabic, Chinese and Spanish versions were under preparation;

(e) update of the training page on the TIR website especially taking into account the needs of new contracting parties to the convention (www.unece.org/tir/training/english.html).

39. Regarding the organization of TIR related events, the Board took note of the results from the ITDB seminar held on 14 June 2018, further to the request of the Board to raise awareness on the use of the ITDB. The Board welcomed that both competent authorities and national associations had attended the seminar and had shown a keen interest in the use of ITDB. It was also noted that further awareness-raising was necessary to replace the paper-based notifications to TIRExB with the use of the ITDB. Further, the Board took note of the concerns raised by the transport industry representatives during the seminar on the use of data in the ITDB by competent authorities during TIR operations. Finally, the Board noted the interest of the transport industry in having access to the information on customs offices.

40. TIRExB also noted that the seminar which was being organized in Tashkent, at the request of Uzbek customs authorities (see ECE/TRANS/WP.30/AC.2/2018/1, para. 40), had been postponed at their request and no further requests had been received so far.

41. Finally, the Board was informed that the TIR secretariat had participated in the following events: WCO regional workshop on simplification and acceleration of customs procedures (Baku, 20 and 21 June 2018); eTIR-NCTS working meeting (Brussels, 18 July 2018); International trade and transport facilitation through digitalization of TIR procedures (Baku, 4–6 September 2018).

B. Update on the status of the survey claims (2013-2016)

Documentation: Informal document No. 14 (2018)

42. The Board considered the revised results of the survey on the TIR guarantee level and on the functioning of the TIR guarantee system for the period 2013–2016 and noted that only

one significant user of the TIR procedure had not yet replied to the survey. The Board requested the secretariat to transmit the results of the survey to AC.2 for consideration.

43. The Board noted that the average claim was slightly on the rise (€27,964). Furthermore, it regretted that significant differences could again be observed between the results of the survey and the IRU statistics and requested the secretariat, possibly with the assistance of IRU, to find the causes of those differences and inform countries about those differences when launching the next survey. Finally, the Board noted that the ratio of claims withdrawn had fallen from 24 per cent in the previous survey to 17 per cent of the claims lodged and that the ratio of payments made after the 3-month deadline stipulated by the TIR Convention had fallen from 49 per cent in the previous survey, to 22 per cent.

XIII. Other matters (agenda item 12)

Documentation: Informal document No. 22 (2018)

44. TIRExB took note of the information in Informal document No. 22 (2018) submitted by IRU with regard to the amendment proposals submitted by the TIRExB to AC.2. The Board noted that the document had also been submitted to the sixty-eighth session of AC.2 (Informal document WP.30/AC.2 (2018) No. 7).

45. TIRExB initially noted the difference between the object of the amendment proposals it had submitted to AC.2 and the proposal for an amendment to Annex 9, Part II, para. 4 submitted by IRU in its Informal document. The Board underlined that the object of its proposals was to eliminate the paper-based submission to TIRExB in connection with Annex 9, Part II, paras. 4 and 5 and Article 38, para.2, whereas the proposal by IRU related to checking the data in the ITDB during actual TIR transports. The Board decided to consider the matter according to the result of the discussions in AC.2.

XIV. Other matters (agenda item 13)

46. TIRExB decided that all documents issued for the current session should remain restricted except Informal document No. 22 (2018).

XV. Restriction in the distribution of documents (agenda item 14)

47. The Board decided to conduct its seventy-ninth session on 6 and 7 December 2018 in Geneva and requested the secretariat to make the appropriate arrangements.
