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## Economic Commission for Europe

### Administrative Committee for the TIR Convention, 1975

#### Seventy-first session

Geneva, 16–17 October 2019

Item 3 (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 eighty-first session of the TIR Executive Board (TIRExB)**

#### **I. Attendance**

1. The TIR Executive Board (TIRExB) held its eighty-first session on 5 April 2019 in Geneva.
2. The following members of TIRExB were present: Mr. M. Ayati (Islamic Republic of Iran), Mr. M. Ciampi (Italy), Ms. D. Dirlik Songur (Turkey), Mr. P. J. Laborie (European Commission), Mr. H. R. Mayer (Austria), Mr. S. Somka (Ukraine), Ms. E. Takova (Bulgaria) and Mr. F. Valiyev (Azerbaijan). Mr. S. Amelyanovich (Russian Federation) was excused.
3. The International Road Transport Union (IRU) attended the session as observer and was represented by Mr. Y. Guenkov.

#### **II. Adoption of the agenda (agenda item 1)**

*Documentation:* Informal document TIRExB/AGE/2019/81

4. TIRExB adopted the agenda of the session, as contained in Informal document TIRExB/AGE/2019/81, with the inclusion of the Informal document No. 3 (2019) submitted by IRU under agenda item 12 “Other matters”.

#### **III. Election of the Chair (agenda item 2)**

5. The Board recalled that, at the short meeting of the newly elected TIRExB on 7 February 2019, Ms. D. Dirlik Songur (Turkey) had been elected Chair for 2019.

#### **IV. Adoption of the report of the eightieth session of TIRExB (agenda item 3)**

*Documentation:* Informal document TIRExB/REP/2019/80draft

6. TIRExB adopted the draft report of its eightieth session as in Informal document TIRExB/REP/2019/80draft.

#### **V. Programme of work 2019–2020 (agenda item 4)**

*Documentation:* Informal document No. 2 (2019)

7. The Board considered Informal document No. 2 (2019), containing the draft programme of work for its 2019-2020 term of office. TIRExB was recalled of its mandate as an advisory body to the Administrative Committee (AC.2) and urged to discuss matters with an open mind, striving for consensus to provide AC.2 with expert advice.

8. The Board considered that the programme of work as in the draft document sufficiently covered the activities for its term of office and also the introductory paragraphs provided flexibility for the Board to consider any unforeseen issue that might arise in that period. Mr. P.J. Laborie (European Commission) stated that the programme of work would be an opportunity to improve the TIR Convention taking into account the changing conditions of the customs transit regime particularly by considering new concepts providing further simplifications to transporters such as the authorized economic operator concept. He also referred to new developments in Europe-Asia transport connections such as the new Silk Road and pointed out the strengths of the TIR Convention to serve as a legal framework for the flow of goods between Europe and Asia. In this regard, he suggested studying various aspects of the Convention that might relate to those developments such as the use of TIR procedure for postal items. With regard to the introduction of modern concepts in the TIR system, Mr. M. Ciampi (Italy) drew attention to the lengthy discussions held by the Board and other TIR bodies on subcontractor and authorised consignor/consignee concepts, and requested paying attention to the reasons of not achieving consensus on those issues.

9. Mr. S. Somka (Ukraine) mentioned that, in addition to the introduction of new concepts in the Convention, further attention should be paid to the decline of the number of TIR carnets distributed in the last couple of years and accordingly suggested the Board to analyse the reasons of the decline. Mr. H. R. Mayer (Austria) was of the view that the reasons of the decline were obvious such as economic crisis and competitive regional systems. He stated that the focus should be the strength of the Convention as being the only global tool and, to fulfil that potential, he invited the Board to give priority to the computerization and the intermodal use of the TIR procedure during its term of office. Mr. S. Somka (Ukraine) stated that, based on the information from the field, he believed there were other important reasons which needed to be addressed. He added that in the lack of addressing those reasons, efforts to increase the number of TIR Carnets distributed might not yield the expected outcomes. Mr. Y. Guenkov (IRU) stated that the lack of goodwill and the lack of trust were main obstacles for the progress in the TIR system. He added that IRU had done a similar analysis in the past, nevertheless they would also wittingly contribute in an analysis to be conducted by the Board. The Board clarified that the analysis would be a TIRExB analysis, it would not cover issues which fall out of the scope of its work (e.g. economic crisis) and it would be complemented with recommendations to address the identified issues.

10. Further to the discussions, the Board decided adding a new item under activity 13 as follows:

“Study the reasons resulting in the decreasing number of the TIR Carnets used and make recommendations to improve the TIR System.”

11. The Board also noted the correction of the period for the customs claims survey as “2015-2018” under activity 3. The Board decided not to set priorities in the programme of work as also concluded by the former composition of the Board since all activities listed were equally important (see ECE/TRANS/WP.30/AC.2/2017/11, para. 17).

12. The Board concluded its discussions on the programme of work and requested the secretariat to submit the final version of the document, to be submitted to AC.2, to its next session.

## **VI. Application of specific provisions of the TIR Convention (agenda item 5)**

### **Consideration of amendment proposals**

#### **Proposals to introduce more flexibility in the guarantee system**

13. TIRExB reiterated its decision to commence considerations of the matter only subsequent to the deliberations of AC.2 (ECE/TRANS/WP.30/AC.2/2018/4, para. 7). Nevertheless, the Chair requested the new composition of the Board to make themselves get acquainted with the previous analysis and conclusions of the Board that were also submitted to AC.2 (see documents ECE/TRANS/WP.30/AC.2/2016/7 and Informal document No. 7 (2016)).

## **VII. Computerization of the TIR procedure (agenda item 6)**

### **A. eTIR project and eTIR pilot projects**

14. The Board took note that countries involved in the eTIR intermodal project between Azerbaijan, Georgia, Kazakhstan and Ukraine were making progress amending their customs IT systems. The board further noted that the restructuring of the customs administration in Ukraine might lead to slight delays from their side. Furthermore, the Board noted that Iran (Islamic Republic of) and Azerbaijan met on 27 March 2019 in Astara to prepare an action plan for the Azerbaijan- Iran eTIR project and agreed on 1 June 2019 as a target date to start the first eTIR transport. After a first bilateral phase, parties expected to extend the project along the North-South Transport Corridor (NSTC). With regard to the Iran-Turkey eTIR pilot, the Board noted that Turkey was still considering comments of Iran (Islamic Republic of) on the Memorandum of Understanding prepared to extend the pilot to all Customs offices and all TIR carnet holders.

15. The Board further noted that efforts were put to ensure that the eTIR project be presented at the 2019 WCO IT Conference to be organized in Baku on 12–14 June 2019.

16. The Board stressed the importance of the adoption of Annex 11 to the TIR Convention. It also took note that the Russian Federation had sent concrete amendment proposals to the draft text of Annex 11 and that a “friends of the chair” meeting was organized in Moscow, possibly on 16–17 April 2019, to discuss the amendment proposals. The Board members also took note that they were kindly invited to take part in that meeting in their capacity as TIR experts.

### **B. International TIR Data Bank**

17. The Board took note that the secretariat continued efforts to eliminate discrepancies with data imported from existing data bases of contracting parties for the customs offices module. The Board reiterated its decision to make the data public once the work is completed (ECE/TRANS/WP.30/AC.2/2019/2, para. 21). The Board welcomed the increase of the number of customs authorities using ITDB from forty-six to forty-nine since its last session. The Board also took note that the secretariat launched the recruitment process for the Information Systems Officer (P3) position which was previously held by Mr. Joan Padreny who was responsible for ITDB.

18. Mr. Y. Guenkov (IRU) stated that there were some malfunctionings of the ITDB which caused problems for the transporters and that IRU had requested access to contribute

in the improvement of the ITDB. He requested an update from the secretariat about the steps taken further to the decision of AC.2 at its session in February 2019 session. The secretariat reminded that regarding granting IRU access to the ITDB, AC.2 had decided, provisionally, to adopt two options to work on, on the understanding that the Committee would be provided with a full report of the progress achieved (see ECE/TRANS/WP.30/AC.2/141, para. 45). The Board was further informed that, despite resource constraints due to vacant posts, the issue was considered in the secretariat and some relevant information was already shared with IRU, and that IRU would be communicated immediately with additional information to avail a data comparison between its systems and the ITDB. The secretariat added that as for creating a role in the ITDB for IRU under conditions set by the Board (see TIRExB/REP/2018/79final, paras. 23–24) it would be necessary to wait for the completion of the recruitment process. In terms of status check from the ITDB by customs authorities, the secretariat mentioned that some complaints had been received from the associations and all were analysed with due attention to give support when necessary. The Chair noted that she was aware of some of these cases and that the analysis revealed other factors as the cause of problems encountered by the transporters at the borders. The Board pointed out its availability to consider problems with regard to functioning of the TIR system any time and indicated the importance of identifying the nature of the cases before submission to the Board to prevent time losses in solving issues.

19. Mr. Y. Guenkov (IRU) stated that the cooperation by the secretariat was appreciated, however for the data comparison what was relevant for the transport industry was the status of the TIR Carnet holder rather than other information on the ITDB. He stated that IRU would prefer having the possibility of access to that data immediately instead of reviewing the whole database. In this regard, he stated that IRU requested the possibility of querying the ITDB when a TIR Carnet was issued to transporters by the associations. The secretariat stated that such access could be immediately provided by creating a country account for IRU (since the web service connection to the ITDB was currently available only for the countries). The Board underlined that the distinction between the roles of the competent authorities, associations and now the international organization in the ITDB should be maintained and no unauthorized access should be possible. The Board also reiterated its view that, irrespective of the type of mechanism to compare the data, the correction of the data on the ITDB would not be via communication between international organization and competent authorities, and that the structure in Annex 9, Part II of the Convention would be maintained (TIRExB/REP/2018/79final, para. 24).

20. The Board recalled its decision on the submission of the issue to AC.2 for clarification of the technical aspects with a supporting document that elaborated various options (TIRExB/REP/2018/79final, para. 24). In this regard, the Board decided waiting for the outcome of the consideration of AC.2, and, in line with the decision of AC.2 at its February 2019 session, the secretariat and IRU start comparing data in two databases. Mr. Y. Guenkov (IRU) requested the Board members to examine the document ECE/TRANS/WP.30/AC.2/2001/13 from the year 2001 which pointed out the issues that were materialized today and raising concerns.

21. TIRExB, taking into account the recommendation of the previous composition of the Board, instructed the secretariat to draft an amendment to Article 45 of the TIR Convention to avail the submission of information on customs offices to the ITDB for consideration at its next session.

## **VIII. Adaptation of the TIR procedure to modern business, logistics and transport requirements (agenda item 7)**

### **Implementation of the intermodal aspects of the TIR procedure**

22. With regard to the study on the intermodal use of the TIR procedure, the secretariat informed the Board that, since the last session, in addition to continuing cooperation with IRU, it had contacted organizations working on modes of transport other than road to identify the market conditions, benefits of using TIR in other modes of transport and also the

challenges for the use of TIR, if any. The secretariat reiterated that this would be a feasibility study which could feed efforts for more extensive use of the TIR procedure for the intermodal transport in following years. The Board welcomed the progress and requested the secretariat to present a comprehensive document on the study to its October 2019 session. Mr. H. R. Mayer (Austria) requested taking into consideration various tools developed by the World Customs Organization on different modes of transport during that study.

23. The Board also emphasized the importance of concluding the discussions on the use of subcontractors without further delay due to its relevance to the intermodal transport. Mr. F. Valiyev (Azerbaijan) drew attention to the importance of the use of subcontractors for the coastal countries, and, as an example, he indicated a recent request they received for the use of subcontractors during TIR transport on the Lapis Lazuli Corridor which included a sea leg due to the use of Ro-Ro lines via Caspian Sea. Mr. P. J. Laborie (European Commission), referring to the pilot intermodal transport between the Czech Republic and United Arab Emirates (see Informal document No. 26 (2018)), indicated that the key to a successful intermodal TIR transport was a clear-cut chain of responsibilities before customs authorities. Mr. M. Ayati (Islamic Republic of Iran) stated that the first intermodal transport from India had been completed with the transport of twenty-three containers on the India- Iran (Islamic Republic of)-Afghanistan route in February 2019. Mr. Y. Guenkov (IRU) informed the Board that there was a preparation for another intermodal transport with India as well as a prospect of China's opening more inland customs offices for the TIR procedure, which could result in a higher potential for intermodal transport. He added that it was also necessary to consider the shortcomings identified during the pilots to improve the conditions for the intermodal transport.

24. The Board underlined that the intermodal use would be one of most outstanding features of the TIR system in the forthcoming years and decided continuing consideration of the item as a priority.

## **IX. Settlement of disputes between contracting parties, associations, insurance companies and international organizations (agenda item 8)**

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

*Documentation:* Informal document No. 1 (2019)

25. With regard 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 noted the conclusion of the previous composition of the Board 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 or a guideline. It was also noted that through that mechanism 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 (see ECE/TRANS/WP.30/AC.2/2019/2, para. 29).

26. The Board requested the secretariat to draft a document in line with its conclusion to its next session.

## **X. Prices of TIR Carnets (agenda item 9)**

### **Analysis of the prices of TIR Carnets**

27. The Board was informed that until then thirty-one associations replied to the 2019 TIR Carnet prices survey. The Board requested the secretariat to send a reminder to association TIR focal points and IRU to urge the remaining associations for replying to the survey.

## **XI. Problems reported by transport companies from the Republic of Moldova in Ukraine (agenda item 10)**

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

28. Mr. S. Somka (Ukraine) informed the Board that a draft law that would eliminate such problems was still pending adoption by the Parliament. He promised to keep the Board informed about any further development in that field.

## **XII. Activities of the secretariat (agenda item 11)**

### **General activities of the secretariat**

29. The secretariat informed the Board that, further to the first draft submitted to AC.2 in February 2019 session (Informal document WP.30/AC.2 (2019) No. 7), ECE continued drafting of the new ECE-IRU Agreement which needed to be adopted by AC.2 in October 2019 session. The secretariat reminded that the new agreement would cover provisions on the external audit of the records and accounts of the international organization regarding the international guarantee system and the printing and distribution of TIR Carnets as stipulated by the amendment to the TIR Convention entered into force on 1 July 2018 (see ECE/TRANS/17/Amend.34). The secretariat added that whereas IRU kindly provided a text on the requirements of the audit, some issues in that text fell out of the expertise of the ECE staff, and if the Board deemed appropriate the budget line reserved for specialized services not available in house might be used to hire a consultant to conduct the review or the preparation of the audit requirements.

30. The Board drew attention to the importance of submitting working documents to avail the examination of the issues by the Board members prior to the sessions. Finally, the Board preferred not to take a decision on the item due to lack of a supporting document and expressed its readiness to consider the issue at the next session subject to availability of a document.

## **XIII. Other matters (agenda item 12)**

*Documentation:* Informal document No. 3 (2019)

31. Mr. Y. Guenkov (IRU) stated that there occurred a need for making slight changes in the TIR Carnet forms, as submitted in Informal document No. 3 (2019), in order to speed up the printing process as there might be need for increased number of TIR carnets after a possible Brexit.

32. TIRExB decided considering this agenda item at its next session since the members did not have time to examine the document due to late submission.

**XIV. Restriction in the distribution of documents (agenda item 13)**

33. TIRExB decided to keep Informal documents Nos. 2 and 3 (2019), issued in relation to the current session, restricted.

**XV. Date and place of next session (agenda item 14)**

34. The Board decided to conduct its eighty-second session on 11 June 2019 in Geneva and requested the secretariat to make the appropriate arrangements.

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