



**ADMINISTRATIVE COMMITTEE
FOR THE TIR CONVENTION, 1975**

TIR Executive Board (TIRExB)

(Twenty-first session, 5, 6 and 7 January 2004,
agenda item 4)

**RESULTS OF THE ITC BUREAU SURVEY ON THE FUNCTIONING
OF THE TIR CONVENTION**

Possible issues to be considered by the TIRExB arising from the ITC Bureau questionnaire

Transmitted by the Chairman of the TIRExB

A. INTRODUCTION

1. Following the December 2002 crisis that put in danger the TIR procedure the ITC Bureau requested the secretariat, in cooperation with the Chairman of WP.30, to prepare a questionnaire to be sent to all Contracting Parties to the TIR Convention with a view to identify the current weaknesses encountered in the application of the TIR regime and, consequently, formulate proposals to guarantee the sustainability of the system.

2. The UNECE secretariat received replies to the questionnaire from 41 Contracting Parties, representing around 75% of the Contracting Parties with which a TIR operation can be established replied.

B. RESULTS OF THE ITC QUESTIONNAIRE

3. According to the replies to the questionnaire, the main weaknesses in the application of the TIR Convention are:

- Lack of proper access and authorization controls for operators in certain countries.
- Lack of proper implementation of the provisions of the Convention and Recommendations including SAFETIR in certain countries.

- The increase in the number of infringements and claims in certain countries.
- Lack of transparency in the TIR system, including the lack of trustworthy "early warning" mechanisms.
- Refusal of paying payment demands for very formalistic reasons and not based on the merit of each case.
- Lack of a clear definition and harmonized implementation of provisions to identify the persons directly liable.

In addition some country criticized the current centralized guarantee system.

4. The proposals formulated by Contracting Parties to solve the above-mentioned problems are the following:

- Strengthen the procedure for authorizing operators.
- Clarification of what is meant by those "directly liable" to pay the charges due.
- Draw a clear distinction between the termination of the TIR procedure and the start of the following customs procedure in order to eliminate irregularities, which should not to be attributed to the TIR procedure.
- Computerize the TIR system and include SAFETIR in the Convention.
- Focus more on the proper implementation and application of the Convention, including monitoring thereof by the competent organs, in particular the TIRExB.
- Focus on fraud prevention and "early-warning".
- TIRExB to provide guidance on the implementation and application of the Convention and Contracting Parties to adhere to guidance provided by the TIRExB.

C. FINDINGS

5. It is interesting to note that only 3 Contracting Parties of those replying to the questionnaire consider it necessary, for the time being, to modify the Convention.

6. It is clear that (except the TIR computerization and the inclusion of the SAFETIR in the Convention) all the made proposals aim at both a proper and harmonized application of the Convention in all the countries as well as a more effective prevention and fight against fraud.

7. The TIRExB Working Program 2003-2004, approved by the AC.2 during its October session, already identifies, as priority items, some of issues raised in the replies to the ITC Bureau questionnaire.

8. However, in addition to the TIRExB Work Program, the Board may wish to consider a few of the issues, raised in the replies to the ITC questionnaire, on a priority basis, such as for instance:

- The lack of transparency in the TIR system, including the lack of trustworthy "early warning" mechanisms. Explore if such mechanisms can be developed.
- The lack of a clear definition and harmonized implementation of provisions to identify the persons directly liable. Seek clarification of what is meant by those "directly liable" to pay the charges due.
- Draw a clear distinction between the termination of the TIR procedure and the start of the following customs procedure in order to eliminate irregularities, which should not to be attributed to the TIR procedure.

D. POSSIBLE CONCLUSIONS OF THE BOARD

9. The Board is of the view that the issues raised in the replies to the ITC Bureau questionnaire reflect the true concerns of the Contracting Parties of the TIR Convention. Therefore, the Board endeavours to consider some of the key issues raised in further detail.

10. Furthermore, with a view to strengthen the cooperation between public and private bodies acting in the framework of the Convention, the Board could also consider, fully or partly, to examine in further detail the proposals contained in Point 9 of the paper transmitted to the ITC Bureau by the IRU.
