

**TIR EXECUTIVE BOARD (TIRExB)**

**COMMISSION DE CONTROLE TIR (TIRExB)**

**ИСПОЛНИТЕЛЬНЫЙ СОВЕТ МДП (TIRExB)**



Restricted

TIRExB/1999/2/Rev.1<sup>\*/</sup>

25 June 1999

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and  
Russian

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**ADMINISTRATIVE COMMITTEE  
FOR THE TIR CONVENTION, 1975  
TIR Executive Board (TIRExB)**

**REPORT OF THE FIRST SESSION  
OF THE TIR EXECUTIVE BOARD (TIRExB)  
(25-26 March 1999)**

**ATTENDANCE**

1. The TIR Executive Board (TIRExB) held its first session at Geneva on 25 and 26 March 1999. The session has been convened by the TIR Secretary in accordance with paragraph 9 of the Terms of Reference of the TIRExB (TRANS/WP.30/AC.2/49, annex 3).
2. The following nine members of the TIRExB were present: Mr. G. Bauer (Switzerland); Mr. O. Beginin (Russian Federation); Mr. R. Ehmecke (Germany); Mr. O. Fedorov (Ukraine); Mrs. Y. Kasikçi (Turkey); Mr. Z. Lovric (Croatia); Mr. J. Marques (European Community); Mr. M. Olszewski (Poland); Mr. I. Parts (Estonia).
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 partially in accordance with annex 8, article 11, paragraph 5 of the Convention and was represented by Mr. J. Groenendijk, Head of the TIR Department.
5. Other organizations did not attend the session.

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<sup>\*/</sup> The present document contains the report of the first session of the TIRExB adopted by at its second session on 25 June 1999. Thus this document replaces the earlier version contained in TIRExB/1999/2.

### **ADOPTION OF THE AGENDA**

6. The TIRExB adopted the agenda of its present session as prepared by the TIR Secretary (TIRExB/1999/1).

### **ELECTION OF A CHAIRMAN**

7. In accordance with annex 8, article 11, paragraph 3 of the Convention, Mr. Rainer Ehmcke (Germany) was elected as Chairman.

### **ADOPTION OF THE RULES OF PROCEDURE OF THE TIRExB**

8. The TIRExB recalled that the Administrative Committee, at its twenty-fourth session, had endorsed Rules of Procedure of the TIRExB on the understanding that the Convention (annex 8, article 11, paragraph 3) leaves it up to the TIRExB to adopt its own Rules of Procedure as long as they are not provided in the Convention (TRANS/WP.30/AC.2/49, annex 4). The Administrative Committee had felt that it would be useful, however, to provide the TIRExB with a set of basic rules in order to facilitate its proceedings as of its establishment (TRANS/WP.30/AC.2/49, para. 25; TRANS/WP.30/AC.2/1998/1, para. 9).

9. The TIRExB reviewed these Rules of Procedure (TRANS/WP.30/AC.2/49, annex 4) and adopted them subject to the following amendments and comments:

#### Representation

10. The TIRExB was of the view that in case one of its members resigned before the completion of his/ her mandated terms of office, a replacement member should be elected by the TIR Administrative Committee as soon as possible. The Committee was invited to take a decision on such a proposed procedure at its forthcoming October session.

#### Languages

11. Notwithstanding the provisions in the Rules of Procedure, the TIR Secretary was requested to ensure the distribution of all working documents at least in English. Efforts should be made to prepare important documents also in French and Russian, particularly the provisional agenda and the reports of the sessions.

## Reports

12. The TIRExB decided to add to the provisions on “Reports” the following provision:

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

## Relations with other organizations

13. The TIRExB interpreted annex 8, article 11, paragraph 5 of the Convention in the sense that it could invite to its sessions, through its Chairman, any organization or expert that it considered as being of use to take part in its work.

## **CONSIDERATION OF THE PROGRAMME OF WORK OF THE TIRExB**

14. The TIRExB considered its programme of work for the year 1999 based on a number of working documents prepared by the TIR Secretary, taking into account the considerations on the application of the TIR Convention in the TIR Administrative Committee and in the ECE Working Party on Customs Questions affecting Transport (WP.30).

### **(a) Transmission of legally required documentation to the TIR Secretary**

15. The TIRExB took note that at present less than half of all States, Contracting Parties to the Convention had sent complete documentation to the TIR Secretary in line with the requirements of the Convention, namely:

- S article 38, paragraph 2;
- S annex 9, Part I, paragraph 1 (e);
- S annex 9, Part I, paragraph 1 (f)(v) (insurance contract and insurance certificate);
- S annex 9, Part II paragraphs 4 and 5 (in line with the Model Authorization Form (MAF) and, if possible, using the data entry mask distributed on CD-ROM by the TIR Secretary).

16. The TIRExB requested the TIR Secretary to issue in due course reminder letters to all States that had not yet complied fully with the above legally required documents.

17. In this context, the TIRExB stressed that it was necessary for each Contracting Party to sent to the Board not only a certified copy of the insurance contract but also a copy of the insurance certificate, because the latter indicated clearly the beneficiary of the insurance.

18. The TIRExB noted that the insurance certificates received so far provided not only for the exclusion of insurance coverage for “Tobacco and Alcohol” TIR Carnets, but also for the exclusion of small quantities of such goods (TRANS/WP.30/162, paras. 41-43) and for the exclusion of a number of sensitive goods on the territory of the European Community. Such exclusions were not contained in the global insurance contract.

19. The TIRExB also decided to accept photocopies of the documents required under the Convention (see paragraph 15 above) as long as they had been approved and transmitted by the competent authorities of the States, Contracting Parties to the Convention.

**(b) Priority items for consideration and resolution by the TIRExB**

**- Multi-user transport operations under the TIR regime**

20. The TIRExB stressed that it was a matter of great priority for modern multiuser transport operations to allow for the possibility that TIR operations could also be undertaken by other persons than the TIR Carnet holder. A general resolution of this problem in the framework of the Convention would require the adoption by the TIR Administrative Committee of relevant amendments, explanatory notes and/or comments to the Convention. Their entry into force could well take two years.

21. The TIRExB took note that the practical problems in this field were due to differences in national Customs legislation in various Contracting Parties and diverse interpretations of the TIR Convention rather than due to lack of relevant provisions in the Convention.

22. The TIRExB was of the view that it was important to arrive at short-term solutions in this matter with a view to resolve some of the international transport problems arising from such differences in legislation and interpretation. Such short-term solution, affecting a few concerned countries only, might be found in a consensus view among the concerned Customs authorities, national associations and representatives of the international guarantee chain (IRU and international insurers).

23. A consensus could be based on the following conditions and requirements:

- S any subsequent transport operator (non-holder of a TIR Carnet) has to be authorized to utilize TIR Carnets in accordance with annex 9, part II of the Convention. The fulfilment of this obligation will be clearly indicated in the TIR Carnet and in the CMR consignment note;
- S the number of subsequent transport operators per TIR Carnet may be limited;
- S the TIR Carnet holder should be jointly and severally liable with subsequent transport operators vis-a-vis Customs authorities for payment of Customs duties and taxes together with any default interest in accordance with national legislation;
- S Customs authorities, during the authorization procedure for a person to utilize TIR Carnets, should take into due account of any information provided by other concerned Contracting Party on serious or repeated offences against Customs or tax legislation committed by this person;
- S Customs authorities should prove, by a registered letter or any other form, that a payment request has been transmitted to the holder of a TIR Carnet in accordance with of article 8, paragraph 7 of the Convention;
- S full international guarantee and insurance coverage for such multiuser TIR operations under the above conditions is ensured.

24. Some of these provisions seemed not to be acceptable for all TIRExB members. Other conditions and requirements were proposed, such as effective settlement of pending claims related to multiuser transport.

25. Such a consensus view, based on the above and possibly other or modified provisions, should be ensured by all parties concerned in an appropriate form to be prepared and authenticated by the TIRExB.

26. Some members of the TIRExB and the observer of the IRU expressed their doubts whether such a consensus would be possible and appropriate in the framework of the TIRExB.

27. The TIRExB felt that agreement on the above provisions, at least in principle, should be arrived at its forthcoming session. The TIR Secretary was requested to take all necessary steps to facilitate such an agreement and to prepare a basic document for consideration of the TIRExB.

- **National control measures**

28. Noting that, in accordance with annex 8, article 10 of the Convention, the TIRExB should coordinate and foster the exchange of information between competent authorities of Contracting Parties, associations and international organizations, the TIR Secretary was requested to distribute a questionnaire on national control measures taken by Contracting Parties (article 42 bis of the Convention). The TIRExB stressed that it was of utmost importance that such measures are communicated to the TIRExB as soon as possible and prior to their coming into force in order to allow for an examination of their provisions.

- **Monitoring of the price of TIR Carnets**

29. The TIRExB was not in a position to reach a consensus on the procedures for the monitoring of the prices of TIR Carnets. One member was of the view that information on this issue, to be transmitted by the IRU, should consist of the total price of TIR Carnets as well as of components thereof. Other members felt that such detailed information was part of the commercial activities of the IRU and of no interest to the TIRExB.

- **Re-establishment of full guarantee coverage of TIR Carnets**

30. The TIRExB agreed to consider ways and means to re-establish full guarantee coverage under the TIR regime for all categories of goods in accordance with relevant decisions taken by WP.30 at its 92 session (TRANS/WP.30/184, para.50).

31. The TIRExB differentiated between four separate issues that would need to be resolved:

(a) Re-establishment of insurance coverage on the territory of the EU for the 3 categories of goods for which the comprehensive guarantee coverage under the Community / Common Transit system had been re-introduced 1.8.1997;

(b) Re-introduction of insurance coverage for all other excluded goods on the territory of the EU;

(c) Re-introduction of insurance coverage for small quantities of tobacco and alcohol (TRANS/WP.30/162, paras. 41-43);

(d) Re-introduction of insurance coverage for the "Tobacco and Alcohol" TIR Carnet.

32. The observer of the IRU expressed the concern of the IRU General Assembly about the risk of re-introduction these goods in the guarantee chain without a clear and fully reliable system of control.

- **Approved Customs offices for TIR operations**

33. In line with article 45 of the Convention, the TIRExB decided to study possible ways and means for the establishment and maintenance of an international data bank on approved Customs offices for accomplishing TIR operations that would be available on-line by all interested parties. The TIR Secretary was requested to prepare concrete proposals in this regard.

- **Full application of the EDI control system for TIR Carnets**

34. The TIRExB stressed the importance of the effective functioning of the EDI control system for TIR Carnets (IRU SAFETIR system) in all countries utilizing the TIR procedure. The TIR Secretary was invited to consult with the IRU on possibilities for an improved application of the system in some countries and to lend his assistance to this effect.

35. The IRU and the TIR Secretary were invited to make concrete proposals for a well-functioning reconciliation procedure. Such a procedure was necessary in case data transmitted by the EDI system were apparently false, incomplete or not in line with the information contained in the TIR Carnet returned to the association and the IRU following termination of the TIR procedure.

- **Other priority items**

36. The TIRExB felt that the following items could also be included in its programme of work:

- S Preparation of a Handbook on best practices in Contracting Parties;
- S Support for training activities on the application of the TIR procedure, mainly in new Contracting Parties to the Convention;
- S Possibility of granting specially authorized consignees and consignors permission to terminate and to open TIR operations at their premises (refer to article 49 of the Convention).

**NEXT SESSION OF THE TIRExB**

37. The TIRExB decided to convene its second session at Geneva on 25 June 1999, in conjunction with the session of the ad hoc group of experts on Phase II of the TIR revision

TIRExB/1999/2

page 8

process.

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