



TIR EXECUTIVE BOARD (TIRExB)
COMMISSION DE CONTROLE TIR (TIRExB)
ИСПОЛНИТЕЛЬНЫЙ СОВЕТ МДП (ИСМДП)

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Administrative Committee for the TIR Convention, 1975

TIR Executive Board (TIRExB)

Sixty-fifth session
Geneva, 5 October 2015

Report of the sixty-fifth session of the TIR Executive Board (TIRExB)

I. Attendance

1. The TIR Executive Board (TIRExB) held its sixty-fifth session on 5 October 2015 in Geneva.
2. The following members of TIRExB were present: Mr. S. Amelyanovich (Russian Federation), Mr. G. Andrieu (France), Mr. M. Ciampi (Italy), Mrs. D. Dirlik (Turkey), Mr. S. Fedorov (Belarus), Mrs. B. Gajda (Poland), Mrs. L. Jelínková (European Commission), Mr. V. Milošević (Serbia) and Mr. S. Somka (Ukraine).
3. The International Road Transport Union (IRU) attended the session as observer and was represented by Mrs. K. Kasko.

II. Adoption of the agenda

Documentation: Informal document TIRExB/AGE/2015/65

4. TIRExB adopted the agenda of the session as contained in Informal document TIRExB/AGE/2015/65. At the request of IRU, the Board agreed that IRU would outline some future plans with regard to the use of TIR Carnets under agenda item XIII “Other business”.
5. With reference to the restricted status of the draft agenda, TIRExB recalled its previous decision, taken at its first, second, seventh and thirteenth session, that, unless decided otherwise, only approved reports of sessions of the TIRExB were subject to general distribution (See TRANS/WP.30/AC/2/2002/6, para. 38).

III. Adoption of the report of the sixty-fourth session of TIRExB

Documentation: Informal document TIRExB/REP/2014/64 draft with comments

6. The Board adopted the draft report of its sixty-fourth session (Informal document TIRExB/REP/2014/64draft with comments), subject to the following amendments:

Page 5, paragraph, second indent, line 1

For expressed the view that the Russian proposal could lead to grave *substitute* noted that the current scenario No. 1 in Informal document No. 11 (2015) does not include the Russian proposal that any Contracting Party could decide not to determine a maximum guarantee amount. He expressed the view that this possibility could lead to practical etc.

Page 5, second indent, last sentence

Before He insert Recalling that the TIR Convention should remain a facilitation tool for legitimate international trade,

Page 9, paragraph 32, line 2

For TIR substitute International TIR Data Bank (ITDB)

IV. Application of specific provisions of the TIR Convention

Consideration of amendment proposals

Documentation: Informal document No. 11/Rev.1 (2015)

7. The Board continued its assessment of the various scenarios, identified at its previous sessions as possibilities to introduce more flexibility in the TIR Convention on the basis of Informal document No. 11/Rev.1 (2015) by the secretariat.

8. In her introductory statement, the Chair carefully formulated that, so far, the assessment of the Board seemed inconclusive to warrant a change from the current guarantee system. On that note, she hoped that the Board could finalize its assessment at the current session, so that it could be officially transmitted to the TIR Administrative Committee, for consideration at its next session.

9. In general, the Board could agree to this approach, but requested the secretariat to:

- (a) replace paragraph 20 of the document by a succinct summary, reflecting the gist of the discussions rather than elaborating the interventions of individual TIRExB members;
- (b) amend the text with the findings of the Board at the present session;
- (c) update and regroup the consolidated table of pros and cons in accordance with the comments of the Board at the current session;
- (d) circulate a final draft of the revised document among TIRExB members for their approval prior to transmitting it to AC.2 for further consideration.

10. With regard to the various scenarios, the Board requested the following changes:

Scenario 1:

- Scenario 1a should be reformulated as separate scenario, in order to better reflect the Russian proposal;

- Indicate that full guarantee coverage would deviate from other legal instruments dealing with transit, such as the Revised Kyoto Convention or the Trade Facilitation Agreement;
- Mention that the Russian proposal requires amendments to the Convention;
- Add a new con to (reformulated) scenario 1a, stating that the introduction of full guarantee coverage by some Contracting Parties would undermine the competitiveness of the TIR system.

Scenario 2:

- Add as a pro the possibility to introduce not four but just two different guarantee levels. This would provide flexibility to the system without necessarily leading to an increase in costs;
- Add as new con that the introduction of, for example, four different guarantee levels, in combination with four different types of TIR Carnet would greatly complicate the administration of the TIR system for IRU, with the risk that the distribution price would increase;
- Add as a new con that the manageability of a differentiated system of guarantee levels is greatly complicated by the absence of computerization

Scenario 3:

- Reformulate pro number (iii) to read “Guarantee associations could tailor the price of TIR Carnets to the amount of duties and taxes required for the goods to be transported and the itinerary to be followed”;
- Add as a new pro that this scenario could be beneficial to operators with a good reputation, whereas it is a con for newcomers;
- Add a new pro that scenario has little impact on transport operators whereas it offers more security for customs;
- Reformulate pending issue (ii) to read “exact impact on TIR Carnet prices, the guarantee chain and TIR Carnet holders should be assessed”.

Scenario 4:

- Add a new pro that scenario has little impact on transport operators whereas it offers more security for customs;
- Replace in con (ii) “likely” by “possibly”;
- Under con (iii), replace vouchers” by “guarantees”;
- Replace in con (iv) “do not” by “might not”.

Scenario 5:

- Add the term ‘guarantee/’ to the title;
- Replace in con (ii) “insecurity” by “uncertainty”;
- Add a new con, stating that TIR Carnet holders will have to assess, prior to the start of a TIR transport, the requirement of additional guarantee/ vouchers for all countries involved in the transport;

- Add, as a footnote, that the TIR+ system is an IRU project and not part of the Convention.

11. TIRExB concluded its assessment of the various scenarios and decided that a finalized version of Informal document No. 11/Rev.1 (2015) should be submitted to AC.2 for its consideration. Mrs. Kasko (IRU) complimented TIRExB on its in-depth discussions and stressed the importance, for all stakeholders, of the assessment.

V. Computerization of the TIR procedure

a. Current status of the eTIR Project

12. The Board took note that, at its June 2015 session, the Working Party on Customs Questions affecting Transport (WP.30) had supported document ECE/TRANS/WP.30/2011/4/Rev.1, containing version 4.1 of the eTIR Reference Model, as a basis for future work of the Group of Experts on the Legal Aspects of Computerization of the TIR Procedure (GE.2) and for pilot projects. The Board was also informed about the preparations for the first session of GE.2, which will take place on 16–17 November 2015, in Geneva.

13. With regard to the UNECE–IRU eTIR pilot project between Iran (Islamic Republic of) and Turkey, the Board took note of the readiness of the technical infrastructure in both countries and the imminent signature of the Terms of Reference by the six parties taking part in the pilot. The first pilot eTIR transports are expected to be conducted by November 2015.

b. Central database for certificates of approval

Documentation: Informal document No. 19 (2015)

14. The Board took note of Informal document No. 19 (2015) by the secretariat and recapitulating the applicable legislation and practice of combining the TIR approval plate and the International Maritime Organization (IMO) International Convention for Safe Containers (CSC) safety approval plate. Various members of TIRExB confirmed the ongoing practice of combined approval plates. Considering that the issue is addressed by the comment to Annex 7, Part II, paragraph 4 on “grouped data plate”, the Board was of the opinion the no amendment to the legal text of the TIR Convention was required. In this context, the Board, recalling that, at its fifty-ninth session, it had mandated the secretariat to start working towards the development of an electronic database on certificates of approval (see ECE/TRANS/WP.30/AC.2/2015/1, para. 15), requested the secretariat to pursue this activity.

VI. Adaptation of the TIR procedure to modern business, logistics and transport requirements

Implementation of the intermodal aspects of the TIR procedure

Documentation: Informal document No. 12 (2015)

15. The Board welcomed Mr. Francesco Dionori, Secretary of the UNECE Working Party on Intermodal Transport (WP.24) and Mrs. Dalida Matıç, IRU representative for intermodal transport, at the session and thanked them for having accepted to participate, as

observers, in discussing the intermodal use of the TIR procedure, confident that their expertise would assist the Board in making substantial progress in facilitating the use of the TIR procedure for intermodal TIR transports.

16. By way of introduction, the secretariat and IRU provided a succinct summary of Informal document No. 12 (2015), which contains an overview of the main achievements of the Board in the area of intermodal TIR transport in the course of its most recent terms of office. Having established, first of all, that the term ‘intermodal’ seems to be more appropriate than the previously term ‘multimodal’¹, the Board, in 2012–2013, conducted a survey among stakeholders in the transport industry (logistics companies and intermodal transporters). The main conclusion of the survey was that the TIR procedure is already used for intermodal transport but that, due to lack of information or experience at the side of both the transport industry and competent authorities and in the absence of computerization of the TIR procedure, the use has been very limited. In 2014, at the occasion of the future accession of China to the TIR Convention, the Board noted that this event could provide a great potential for the promotion of the intermodal use of the TIR procedure. At the same time, TIRExB established that the intermodal use of the TIR procedure cannot be discussed in isolation, but that issues such as computerization, the use of subcontractors and the granting of greater facilities to operators at departure or destination seem to be key factors to address in order to give the intermodal TIR procedure more relevance. From the transport sector, Mrs. Matic (IRU) confirmed that most intermodal TIR transports taking place today are limited to ro-ro transports, including ferry-services. In addition, from the assessment by IRU over various years, it had been noted that difficulties encountered during an intermodal TIR transport do not relate to the TIR procedure as such, but rather to, notably, operations in ports, such as low ferry capacity, irregular ferry schedules and preferential treatment of operators of one mode of transport over another.

17. By means of introduction, Mr. Dionori explained the Board that, on the one hand, the work of WP.24 focussed on administering the European Agreement on Important International Combined Transport Lines and Related Installations (AGTC) of 1991 and the Protocol on Combined Transport on Inland Waterways to the AGTC of 1991 and, on the other hand, on promoting intermodal transport and logistics. Much work was aimed at breaking barriers between the various stakeholders, by means of, for example, identifying national master plans for intermodal transport or developing guidelines for freight and logistics. Logistics companies also participated in the work of WP.24 and shared their experiences with other parties.

18. TIRExB thanked the various speakers for their extensive introductions of the issue and underlined the relevance of continuing discussing this topic. In order to even get a better picture, the Board requested the secretariat, in close collaboration with IRU and the Secretary of WP.24, to submit a further document in which it would elaborate details of various example transports, in particular those where the TIR guarantee continued to function all through the TIR transport, the financial liability aspects during the different legs of an intermodal transport and possibilities for future cooperation with WP.24.

¹ Intermodal = the movement of goods in one and the same loading unit or road vehicle, which uses successfully two or more modes of transport without handling the goods themselves in changing modes.

VII. Settlement of disputes between Contracting Parties, associations, insurance companies and international organizations

Documentation: Informal document No. 20 (2015), Informal document No. 22 (2015)

19. In view of the fact that there was a clear link between issues to be discussed under this agenda item and issues for discussion under agenda item VIII, the Board agreed to discuss both items together.

20. The Board first considered Informal document No. 20 (2015), submitted by IRU and raising questions with regard to a list of thirty-four border crossing points where the Russian Federation would accept TIR Carnets. According to complaints lodged by transport operators, the said border crossing points still refuse to accept TIR Carnets.

21. The Board also considered Informal document No. 23 (2015) by the Government of Ukraine, informing the Board that the State Fiscal Service (SFS) of Ukraine, despite repeated attempts over a period of various months, by 8 August 2015, still had not received a list of border crossing points on the territory of the Russian Federation that accepted TIR Carnets, in accordance with the provisions of Article 45 of the Convention.

22. In a first reply, Mr. Amelyanovich (Russian Federation) informed the Board that the list is part of a draft Decree, which is still going through a process of national consultation and adoption. The text of both the draft Decree and the accompanying list have been published at the website of the Government of the Russian Federation, as is the case with all draft legislation². In relation to the list of appointed border crossing points, he informed the Board that, on 16 July 2016, an official note had been sent by the Federal Customs Service (FCS) of the Russian Federation to customs authorities of neighbouring countries, including Ukraine, with the aforementioned information, also explaining the ongoing consultation and adoption process.

23. Mr. Somka (Ukraine) informed the Board, that as of the day of the session (5 October 2015), SFS still had not received such list. In addition, he enquired if the list had been sent for information or for consultation. In his view, as far as Ukraine is concerned, the absence of such list as well the absence of a consultation procedure, constitute a systematic violation of Article 45 of the Convention. In reply, Mr. Amelyanovich stated that the consultation process he was referring to was limited to national consultation. In addition, in his view, Article 45 did not contain any specifications with regard to the nature of the consultation process nor a timeline for publication. Mr. Somka referred the Board to Informal document No. 14 (2015), in which SFS had raised a number of questions to FCS, to which no replies had, as yet, been given.

24. Mrs. Kasko (IRU) informed the Board that the unofficial status of the list led to great insecurity for the transport industry, but that, nevertheless, over the past months, limited numbers of TIR Carnets had been accepted at various border crossings.

² The text of the draft Decree and the accompanying list can be accessed at the following address: <http://regulation.gov.ru/projects#npa=35915>

25. In conclusion, the Board took note of the information, in particular the status of the draft Decree and decided to revert to the issue at its next session, including, but not limited to, the questions raised in Informal document No. 14 (2015).

VIII. Problems reported by the Government of Ukraine

Documentation: Informal document No. 22 (2015)

26. See paras. 19–25 of the report of the current session.

IX Problems reported by transport companies from the Republic of Moldova in Ukraine

27. Mr. Somka (Ukraine) informed the Board that the adoption of a new law, lifting restrictions for the transport of alcohol and tobacco products on the territory of Ukraine under cover of TIR Carnets, was still pending. He would keep the Board informed about any progress on the issue. The Board also took note that, in the meantime, the secretariat had sent a letter to the national association of Moldova (IATA) informing it about the state of play.

X. Problems reported by the Government of Denmark

Documentation: Informal document No. 21 (2015), Informal document No. 23 (2015)

28. The Board took note of Informal document No. 21 (2015), transmitted by the government of Denmark and pointing out defects of a vehicle with sliding sheets approved for transport under cover of TIR Carnets by the customs authorities of Croatia. The Board welcomed the prompt response by the Croatian customs authorities contained in Informal document No. 23 (2015), in which they confirm that they revoked the certificate of approval of that vehicle.

29. TIRExB recalled the importance of technical training for customs officers and the possibility of conducting a (national or regional) technical seminar, sometime in the future.

XI. Functioning of the international guarantee system

Survey on customs claims

30. The Board recalled that at its previous session it had approved the survey on Customs claims and on the guarantee level for the period 2011–2014 as contained in Informal document No. 15 (2015) and had requested the secretariat to prepare an electronic bilingual version of the questionnaire (English and Russian) and distribute it to competent authorities, with a deadline for replying before 30 November 2015. The Board took note that, as requested, the secretariat prepared online versions of the questionnaire in both English and Russian and, on 27 July 2015, sent out an invitation to all Contracting Parties to take part in the survey. To date, nine countries have already completed the online questionnaire. The Board stressed the importance for all Contracting Parties to respond to the survey, irrespectively of the fact that they had claims in the 2011–2014 period or not.

XII. Price of TIR Carnets

Documentation: Informal document No. 16/Rev.1 (2015)

31. Further to the requirement for national associations, in accordance with the provisions of Annex 9, Part I, Article 3 (vi), to provide TIRExB annually, per 1 March, with the prices of each type of TIR Carnet it issues, the Board considered the data received from fifty issuing associations, until 2 September 2015, as contained in Informal document No. 16/Rev.1 (2015). The Board noted, with pleasure, that, each year, more associations observe this requirement. It thanked IRU for contacting those associations that had not provided the prices on time, reminding them of their obligation. The Board also thanked the secretariat for sending official letters to the customs administrations of countries where associations have received TIR Carnets from IRU in 2014 but which had not sent their data, by 31 July 2015, to the secretariat (Mongolia and Syrian Arab Republic), requesting their assistance to ensure that this provision of the Convention be respected and took note that the Mongolian customs authorities had reminded their association of this obligation, although, so far, without any reaction for the Mongolian issuing association.

32. The Board also welcomed the preliminary analysis contained in Annex E of Informal document No. 16/Rev.1 (2015) and took note that the prices of TIR Carnets generally follow the principle of economies of scale and that the secretariat could not find any variable that explains the great variability of the cost of a TIR Carnet, in particular the variables used as proxies for the costs of running the associations. Finally, the Board noted that only eight associations have a different issuing price for their members or national transporter compared to non-members or foreign transporters and that the associations in Kyrgyzstan, Sweden and Tajikistan charge premiums significantly higher than the average and exceeding 100 USD. The Board requested the secretariat to submit Informal document No. 16/Rev.1 (2015) to AC.2 for consideration.

XIII. Budget proposal and cost plan of TIRExB and the TIR secretariat for the year 2016

Documentation: ECE/TRANS/WP.30/AC.2/2015/15, ECE/TRANS/WP.30/AC.2/2015/20, ECE/TRANS/WP.30/AC.2/2015/21

33. The Board took note of final accounts for the year 2014 as well as the interim financial statement covering the period from 1 January 2015 until 31 May 2015, contained in documents ECE/TRANS/WP.30/AC.2/2015/15 and ECE/TRANS/WP.30/AC.2/2015/20, respectively.

34. The Board endorsed the budget proposal and cost plan of TIRExB and the TIR secretariat for the year 2016, as well as the net amount to be transferred by IRU by 15 November 2015, contained in document ECE/TRANS/WP.30/AC.2/2015/21.

XIV. Activities of the secretariat

a. General activities of the secretariat

35. The Board was informed about the progress in upgrading the International TIR Data Bank (ITDB), including the inclusion of a new database of customs offices approved for TIR operations.

36. The Board took note that, in an effort to promote the geographical expansion of the TIR Convention, the TIR secretariat, on 28 August 2015, had presented (by means of video conferencing equipment) the TIR Convention at a meeting of Heads of customs administrations, organized by the Secretariat of Central–American Economic Integration (SIECA). The Committee also noted that the secretariat will be participating in the World Customs Organization (WCO) Working Group on the World Trade Organization (WTO) Trade Facilitation Agreement (12–13 October 2015, Brussels) and in the joint UNECE–IRU event planned to be held at the end of the Working Group session, with the objective of promoting accession to the TIR Convention by African countries. Furthermore, in collaboration with IRU, the TIR secretariat will promote the UNECE–IRU eTIR Pilot Project at the fifth WCO Technology and Innovation Forum (26–29 October 2015, Rotterdam (The Netherlands)). The Board was also informed that the TIR secretariat will participate in the Asia-Pacific Trade Facilitation Forum (20–21 October 2015, Wuhan (China)) and contribute to the panel discussion on “Enhancing regional connectivity through trade and transport corridor facilitation” by showcasing the potential benefits of TIR in the Asia–Pacific region.

b. United Nations Development Account

37. The Board took note of progress made in the United Nations Development Account (UNDA) project “Strengthening the capacities of developing countries and countries with economies in transition to facilitate legitimate border crossing, regional cooperation and integration”, in particular, that UNECE has successfully organized a Customs-to-Customs (C2C) data exchange workshop (22–23 June 2015, Tbilisi) and that the TIR secretariat contributed to a C2C data exchange workshop organized by the Economic and Social Commission for Asia and the Pacific (ESCAP) (7–8 September 2015, in Issyk-Kul (Kyrgyz Republic), by presenting and discussing the TIR Convention and the eTIR Project. The Board also took note that, to the extent possible, the secretariat will also participate in the workshops that will be organized towards the end of 2015 by the Economic Commission for Africa (ECA) and the Economic and Social Commission for Western Asia (ESCWA). Finally, the Board was informed that the consultants have started to work on the development of the data exchange platform as well as on the provision of technical assistance to Georgia customs.

XV. Other matters

38. Mrs. Kasko (IRU) informed the Board that, pursuant to deliberations with the relevant institutions, IRU is considering to increase the level of the guarantee to 100,000 € for all Contracting Parties that would express an interest. Perhaps, the increase could even be achieved without an increase in the price, but this was still the object of internal studies and discussions. In addition, IRU was considering to bring the types of TIR Carnets down from four to only two (4 or 6 vouchers and 20 vouchers) and update the layout. In reply to a

question from Mr. Amelyanovich (Russian Federation) on the various components of the TIR Carnet price, she referred to the IRU accounts, which can be consulted at the UNECE TIR secretariat. She added that, as such, IRU was not opposed to providing a breakdown of the prices, but that, while the review of the level of the guarantee and the offer in TIR Carnets was still ongoing, it would be premature to comply with such request. The Board recalled its request to IRU to obtain information on the breakdown of the prices of TIR Carnets and requested IRU to submit this information for consideration at the next session.

XVI. Restriction in the distribution of documents

39. TIRExB decided to keep Informal documents TIRExB/AGE/2015/65 and Add.1, No. 11/Rev.1, 16/Rev.1, 20, 21, 22 and 23 (2015), issued with reference to the current session, restricted.

XVII. Date and place of next session

40. TIRExB decided to conduct its sixty-sixth session on Monday 8 February 2016, in conjunction with the 142nd session of WP.30 and the sixty-third session of AC.2.

41. The Board took note of the kind invitation from the customs administration of France to conduct a future session in Paris. TIRExB thanked French customs for this invitation and requested the secretariat to explore options to organize a session in the second half of April 2016, preferably.
