

by fax and by express courier

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AD/G4327/MMM

Geneva, 10 December 2002

URGENT – IMPORTANT !

SUSPENSION OF THE TIR COVERAGE ON THE TERRITORY OF THE RUSSIAN FEDERATION

Dear «TITLE» «ALF_NAME»,

Following the failure of the efforts made by the IRU, in the course of the last mission by the IRU Secretary General to the highest Russian Authorities in Moscow from 5 to 8 December 2002, aimed at solving the grave problems resulting from the recent and new interpretation of the TIR Convention and the non-application of its provisions by the Russian Customs Authorities, which were the subject of the unanimous decision by the IRU General Assembly on 8 November last, we have to inform you, with regret, that the Insurers of the TIR Guarantee System have confirmed the following to us:

"On the basis of the information in our possession, it emerges that the recent and new interpretation of the TIR Convention by the Customs Authorities of the Russian Federation, based on a recent document published by a body entrusted with the TIR Convention within the UNECE, considerably increases the risks covered by the insurance contract by exposing the international guarantee chain to unforeseen and incommensurate risks.

Following this new interpretation of the TIR Convention by the Authorities of the Russian Federation, and its consequences in preventing the functioning of the TIR System and the strict application of the rules of the TIR Convention and of the IRU, as well as the recent omissions by the Russian Authorities and by ASMAP in relation to the selection of Russian transport operators, the Insurers benefit from the right to cancel all or part of contract N°3.186.842 in the event of an essential aggravation of the risks, pursuant to the Swiss Federal Law on insurance contracts."

In the absence of the insurance cover, the IRU and its Guaranteeing Associations cannot assume alone the risks of the TIR System. This is why, with a view to maintaining the TIR System for all the other Contracting Parties, the IRU has finally obtained from the Insurers that the insurance cover provided by them be suspended only on the territory of the Russian Federation.

Finally, the Insurers request the IRU to suspend the issue of TIR Carnets in Russia as from 24 December 2002 at 24h00 midnight GMT and to inform the Russian Guaranteeing Association of International Road Transport Operators, ASMAP, and its Customs Authorities, all the Guaranteeing Associations and the Competent Authorities of the Contracting Parties to the TIR Convention, of the suspension by the Insurers, as from the same date and time, of the TIR cover on the territory of the Russian Federation under the following conditions:

- The TIR insurance cover provided by the Insurers to the ASMAP Association is suspended **as from 24 December 2002 at 24h00 midnight GMT.**
- As from the same date and time of suspension, the IRU is required to cease the issuance of TIR Carnets to the ASMAP Association.
- As from the same date and time of suspension, the ASMAP Association is no longer authorised to issue TIR Carnets to transport operators of the Russian Federation nor to foreign transport operators according to the procedures in place.
- Any TIR Carnet issued by the ASMAP Association, taken - before the same date and time of suspension - into charge by the Customs Authorities of the Russian Federation or of any other Contracting Party to the TIR Convention with which a TIR transport can be established, remains covered by the Insurance Contract and thus valid as per the provisions of the TIR Convention.
- Any TIR Carnet issued by the ASMAP Association, taken - after the same date and time of suspension - into charge by the Customs Authorities of the Russian Federation or of any other Contracting Party to the TIR Convention with which a TIR transport can be established, will no longer be covered by the insurance contract and will be considered to be invalid.
- Any other TIR Carnet issued by any other Guaranteeing Member Association of the IRU and taken into charge at the office of departure by the Customs Authorities of any Contracting Party remains covered by the insurance contract and thus remains fully valid on the territory of the Contracting Parties with which TIR transport can be established, with the exception of the territory of the Russian Federation where all transport under cover of the TIR System will be suspended, as per Article 26 of the TIR Convention, as from the same date and time of suspension.
- Transport operators whose vehicles are registered in the Russian Federation have no right to use, as from the same date and time of suspension, either in the Russian Federation or abroad, TIR Carnets benefiting from the TIR cover provided by the insurers.
- Foreign transport operators approved for TIR do not have the right, as from the same date and time of suspension to hire vehicles registered in the Russian Federation or to cooperate or establish any commercial operations with transport operators from the Russian Federation with a view to entrusting the latter with the implementation of transport operations under cover of TIR Carnets, benefiting from the TIR cover provided by the insurers.

- Finally, experience has demonstrated that organised crime will continue to use the vehicles of transport operators excluded from the TIR System. In order to avoid such abuse, it is requested that, as from the same date and time of suspension, the Customs Authorities do not accept TIR Carnets that might accompany vehicles registered in the Russian Federation and carrying certificates of approval issued by the Authorities of this country.

Following the above-mentioned decisions and the demands of the Insurers of the TIR System, it is the duty and the obligation of the IRU to inform you and confirm to you the suspension of the TIR cover in favour of the Russian Federation, which will take effect on 24 December 2002 at 24h00 midnight GMT. It is also the duty and the obligation of each Association to apply strictly and immediately the decisions in question and to inform fully both its Competent national Authorities and its TIR transport operators.

The IRU TIR Associations are also kindly requested to confirm to us in writing by return post the strict application, without delay, of the above-mentioned measures.

This letter is also addressed to the Directors of the Customs Authorities of all the Contracting Parties to the TIR Convention.

Yours sincerely,

Martin Marmy
Secretary General

The same letter is addressed to all the TIR Associations and to all the Customs Authorities of the Contracting parties to the TIR Convention