



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

TIR Executive Board (TIRExB)

Twenty-eighth session, 26 and 27 January 2006

**PROVISIONAL AGENDA
FOR THE TWENTY-EIGHTH SESSION OF THE TIR EXECUTIVE BOARD (TIRExB)
to be held at the Palais des Nations (Salle VIII), Geneva
starting on Thursday, 26 January 2006, at 10.00 hours**

1. ADOPTION OF THE AGENDA

The TIRExB may wish to consider and adopt the provisional agenda of its present session (TIRExB/AGE/2006/28).

2. ELECTION OF A CHAIRMAN

In accordance with its Rules of Procedure, the TIRExB, at its first meeting each year, shall elect from its members a Chairperson, who shall hold office until his/her successor is elected. He/she shall be eligible for re-election.

The TIRExB may wish to elect its Chairman.

**3. ADOPTION OF THE REPORT OF THE TWENTY-SEVENTH SESSION OF
THE TIRExB**

The Board may wish to adopt the report of its twenty-seventh session (Moscow, 17-19 October 2005) on the basis of document TIRExB/REP/2005/27draft as well as comments transmitted by some TIRExB members and the IRU.

4. HARMONIZED APPLICATION OF ANNEX 9, PART II OF THE TIR CONVENTION (CONTROLLED ACCESS TO THE TIR PROCEDURE)

At its previous session, the TIRExB was informed that the TIR Administrative Committee, at its October 2005 session, had noted the results of the Board's survey of Contracting Parties on the application of controlled access to the TIR procedure for natural and legal persons. The Committee felt that a number of replies to the survey gave raise to concern about the proper application of the Convention and invited the TIRExB to consider the elaboration of a set of best practices for the proper application of Annex 9, Part II as well as the need for a possible follow-up at bilateral level with a number of Contracting Parties that had provided replies (TRANS/WP.30/AC.2/79, para.15). Finally, the TIRExB requested the TIR secretariat, in cooperation with the IRU, to draft an example of best practices for consideration at one of the future sessions (TIRExB/REP/2005/27draft, para.13).

Against this background, the TIRExB may wish to discuss Informal document No.1 (2006).

5. POSSIBILITY OF UNDERTAKING A TIR TRANSPORT WHEN A TRACTOR UNIT DOES NOT BELONG TO THE TIR CARNET HOLDER

The TIRExB, at its previous session, considered Informal document No.21 (2005) prepared by the secretariat, containing an overview of modern logistical schemes in so-called intermodal transport operations where several transport operators can take part in one delivery. The Board noted that the provisions of the TIR Convention, in particular Article 2, definitely provide for such operations, and that the use of such logistical schemes within the framework of the Convention is widely accepted in practice. The Board felt, however, that the Convention does not seem to contain adequate provisions to ensure a harmonized intermodal application of the Convention at national level. The TIRExB decided to continue its deliberations on the matter at the next session. To this end, the Board requested the secretariat to prepare a new document on the basis of various opinions by members of the TIRExB as well as Informal document No.14 (2005) by the IRU which could provide guidance with a view to arriving at a harmonized approach (TIRExB/REP/2005/27draft, paras. 17-20).

Following this request, the secretariat has produced Informal document No.2 (2006).

6. TRANSPORT OF PASSENGER CARS ON THEIR OWN WHEELS UNDER THE TIR PROCEDURE

At its previous meeting, the Board considered Informal document No.22 (2005) prepared by the secretariat, containing a legal analysis of the relevant provisions of the TIR Convention as well as of the consequences entailed by the use of the TIR procedure for passenger cars travelling on their own wheels. The Board agreed that the TIR Convention contains no clear-cut

legal arguments which would explicitly allow or prohibit TIR transports of passenger cars on their own wheels. At the same time, the Board felt that the TIR Convention had not been designed for personal goods, including passenger cars, and that the extension of the TIR procedure to such goods could lead to a number of negative consequences and a higher risk of fraud. In view of that and also considering that the market demand for this type of TIR transports could only be of a limited nature, the TIRExB came to the conclusion that passenger cars on their own wheels should not be transported under the TIR procedure. To this end, the Board requested the secretariat to draft a new Explanatory Note to Article 3 (a) (iii) of the Convention (TIRExB/REP/2005/27draft, para.22).

In line with the above request, the secretariat proposes a new Explanatory Note to read as follows:

"0.3 (a) (iii) The provisions of Article 3 (a) (iii) do not cover passenger cars (HS-codes 8702 and 8703) travelling by their own means. Passenger cars can only be transported under the TIR procedure if loaded onto another road vehicle, sealed or unsealed, [or if coupled to another road vehicle]."

The Board may wish to comment on the proposed wording.

7. APPROVAL OF ROAD VEHICLES WITH SLIDING SHEETS

The Board, at its previous session, was informed that the underlying problem of the approval of road vehicles with sliding sheets seems to be more serious than expected. Apparently, before the relevant amendments to the TIR Convention came into force in 2002, European manufacturers had already produced a lot of curtain-sided vehicles which were not designed for Customs sealing and, therefore, were not Customs secure. However, the new amendments were misunderstood as allowing not only curtain-sided vehicles conforming to the new provisions of Annex 2 to the TIR Convention, but all road vehicles with sliding sheets to transport goods under Customs seal. As a result, some "old" EU-made curtain-siders were sold to other Contracting Parties and subsequently approved there by Customs. The Board decided to proceed in two different ways (TIRExB/REP/2005/27draft, paras.24 and 25):

- obtain more information on the scale of the problem;
- invite some technical experts to the next TIRExB session with a view to better understanding Customs insecure elements of the construction of vehicles with sliding sheets.

In line with the above decision, the secretariat has invited several experts to take part in the present TIRExB session. The Board may wish to continue its considerations on the issue on the basis of information that will be delivered by the experts at the meeting. The TIRExB may also wish to recall WP.30 Informal document No.1 (2002), transmitted by the Liaison

Committee of the Body and Trailer Building Industry (CLCCR), pointing out that some approval authorities had approved vehicles with sliding sheets that were not in conformity with Annex 2, Article 4 of the TIR convention.

8. APPLICATION OF ARTICLE 40

At its previous session, the TIRExB considered Informal document No.17 (2005), prepared by the secretariat, containing some practical examples of the application of Article 40 as well as a draft comment intended to clarify its provisions. The Board generally advocated the practical examples, but did not support the proposed comment. Instead, the TIRExB felt that a broader example of best practices should be prepared addressing, *inter alia*, such issues as:

- providing distinction between the liability of the TIR Carnet holder for payment of Customs duties and taxes and his responsibility in terms of penal/administrative law;
- exchange of information between the Customs authorities, as provided for in Article 50;
- possible indication of the export cargo declaration number in the TIR Carnet (TIRExB/REP/2005/27draft, para.9).

Against this background, the secretariat has prepared Informal document No.3 (2006) that the TIRExB may wish to consider.

9. TIR GUARANTEE LEVEL

The TIRExB, at its previous session, held a first exchange of views on the pros and cons of the possible changes in the guarantee level per TIR Carnet. The Board decided to revert to this issue and requested the IRU to analyze the consequences, in terms of impact on the insurance system and TIR Carnet prices, of the following developments (TIRExB/REP/2005/27draft, paras.26-28):

- possible introduction of a lower guarantee level for certain countries (regions);
- possible general increase in the TIR guarantee level;
- possible introduction of a guarantee arrangement similar to the voucher system of the EU, where vouchers can be staggered on top of each other.

The Board may wish to continue its deliberations of the matter on the basis of information to be supplied by the IRU.

10. MONITORING OF THE FUNCTIONING OF THE TIR GUARANTEE SYSTEM

According to its Programme of work for the years 2005 and 2006, the TIRExB is to supervise the functioning of the TIR international guarantee system and, in particular, should monitor constantly the settlement of Customs claims on the basis of information provided by

national Customs authorities and the IRU. For the time being, only the IRU regularly provides data on Customs claims at the sessions of WP.30, the latest example of which is given below:

"The Working Party was informed by the IRU of the following figures:

- Between 1 January to 15 September 2005, the IRU received 13,125 notifications/pre-notifications sent by Customs authorities to their national Guaranteeing Associations.
- The pending payment requests per 15 September 2005 amount to 5,348 addition to come from the IRU.
- The claims settled between 1 January and 15 September 2005 amount to 1,654 (TRANS/WP.30/222, para.49)".

It should be noted that the IRU provides consolidated figures only, as foreseen by the UNECE-IRU agreement. However, at its seventeenth session (9 and 10 April 2003), while discussing the final results of the survey of Customs administrations on Customs claims undertaken by the TIR secretariat in 2002, the TIRExB underlined the importance of data on a country-by-country basis and felt that such statistics could be used as an early warning system with a view to identifying difficulties in the application of the TIR Convention and dangerous trends in Customs fraud (TIRExB/REP/2003/17, para.28).

The TIRExB may wish to discuss whether or not data on Customs claims on a country-by-country basis should be collected at regular intervals and, if yes, in which way.

11. IMPLEMENTATION OF THE TIR PROCEDURE IN UKRAINE

At its previous session, the TIRExB recalled its earlier considerations regarding obligatory suspension of a TIR transport in Ukraine in cases where the amount of Customs duties and taxes at stake was above the TIR guarantee level (TIRExB/REP/2004/22, paras. 55-56, TIRExB/REP/2004/24, paras.17-19 and TIRExB/REP/2005/26draft, paras. 38-39). The Board took note that, in July 2005, the secretariat had received a reply from Ukraine which was distributed to TIRExB members for comments. On that basis, the secretariat had drafted and transmitted to Ukraine another letter which still remained unanswered. In view of that, the TIRExB mandated the secretariat to get in touch with the State Customs Administration of Ukraine with a view to receiving a reply to the latest letter and to inviting Ukrainian Customs representatives for the next session of the TIRExB (TIRExB/REP/2005/27draft, para.23).

The TIRExB will be informed of further developments on this issue.

12. INTERNATIONAL TIR DATABANK

At its previous session, the TIRExB discussed the possible extension of authorized ITDBonline Customs users (at present – only TIR focal points) with a view to providing Customs officers "in the field" with the opportunity to consult the ITDB. The Board was

informed that the necessary technical arrangements were already in place, but a positive decision by the TIR Administrative Committee would be required. At the same time, the TIRExB noted that, in view of the possible incompleteness of the ITDB data, Customs authorities should be rather prudent in using such information. The Board requested the secretariat to prepare a document containing various pros and cons as well proposals how to improve the quality and timeliness of ITDB data transmitted by the Contracting Parties (TIRExB/REP/2005/27draft, para.30).

Following the above request, the secretariat has drafted Informal document No.4 (2006) for consideration at the present session.

13. ACTIVITIES OF THE TIR SECRETARIAT

The Board will be informed of activities of the TIR secretariat that have been carried in accordance with its mandate, in particular:

- current status of the eTIR project and the activities of the Informal Ad hoc Expert Group on Conceptual and Technical aspects of Computerization of the TIR Procedure;
- national and regional TIR seminars.

14. AUDIT BY THE UN BOARD OF AUDITORS

The TIRExB will be informed of the current status with regard to the implementation of the recommendations by the UN external auditors, issued in May 2005 to the UNECE Executive Secretary. This issue will further be discussed at the forthcoming session of the TIR Administrative Committee on 2 and 3 February 2006.

15. OTHER MATTERS

The TIRExB may wish to consider any other matter falling within the competence of the TIRExB.

16. RESTRICTION ON THE DISTRIBUTION OF DOCUMENTS

The TIRExB may wish to decide whether there should be any restrictions with respect to the distribution of documents issued in connection with its current session.

17. DATE AND PLACE OF NEXT SESSIONS

The Board may wish to take a decision on the date and venue for its next session.