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

**TIR Executive Board (TIRExB)**

Thirtieth session, 29 and 30 November 2006

**PROVISIONAL AGENDA  
FOR THE THIRTIETH SESSION OF THE TIR EXECUTIVE BOARD (TIRExB)  
to be held in Room VIII, Palais des Nations, Geneva,  
starting on Wednesday, 29 November 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/2006/29).

**2. ADOPTION OF THE REPORT OF THE TWENTY-NINTH SESSION OF  
THE TIRExB**

The Board may wish to adopt the report of its twenty-ninth session (Geneva, 29 – 30 May and 1 June 2006) on the basis of document TIRExB/REP/2005/29draft as well as comments transmitted by some participants.

**3. LOST AND INVALIDATED TIR CARNETS**

Some members of the TIRExB have recently expressed their concerns over a drastic increase in the number of TIR Carnets which were lost before issuance and subsequently invalidated by the IRU. The TIRExB may wish to be informed about the developments by 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 Board considered in depth Informal document No.1 (2006)/Rev.1, containing an example of best practice with regard to the application of Annex 9,

Part II of the TIR Convention as well as comments by TIRExB members. The Board delivered a number of remarks concerning the form and content of para.7 of the above document and decided to complement para.10 with the following sentence: "It is up to the competent authorities to arrange a procedure for regular checks." Finally, the TIRExB requested the secretariat, in cooperation with the IRU, to revise the document with a view to submitting a modified draft for consideration at the next session of the Board (TIRExB/REP/2005/29draft, para.8).

Against this background, the TIRExB may wish to discuss Informal document No.1 (2006)/Rev.2, containing a revised example of best practice.

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

At its preceding session, the TIRExB, having had a general exchange of views on the concept of subcontractor when finalizing the text of the report of its twenty-eighth session, considered Informal document No. 7 (2006) by the TIR secretariat, containing proposals for the introduction of the subcontractor into the TIR Convention. Some members maintained the view that subcontractors must fulfil the criteria of Annex 9, Part II, whereas others argued that the application of the TIR system would be deprived of its flexibility in case a subcontractor would de facto obtain the same status as the TIR Carnet holder himself. It was mentioned that often a subcontractor was hired to cover only a limited distance (e.g. between the port and the nearest Customs warehouse), within the territory of a single country, thus making it seem disproportionate to expect him to fulfil the criteria for authorized TIR Carnet holders. Against this background, it was argued that the relationship between the TIR Carnet holder and the subcontractor should be considered as purely private or commercial, without any transfer of financial liability taking place, as e.g. in the CMR Convention. However, at the same time, the Board recognized that it would be difficult to maintain this point of view when considering the application of Article 8.7. In case, in a given situation, the subcontractor could be identified by law as a person directly liable, it would be impossible to ignore neither his existence nor his liability.

Thus, without being able to reach consensus about the de jure position, the TIRExB realized it had to address the de facto existence of the subcontractor in order to avoid that the absence of any information in the TIR Convention would be considered by Contracting Parties as a clear interdiction to allow subcontractors. For that reason, the TIRExB requested the secretariat to further elaborate its proposal for an Explanatory Note to Article 1 (o) of the Convention, for discussion at its next session (TIRExB/REP/2005/29draft, paras.10 and 11).

Following this request, the secretariat has produced Informal document No.12 (2006).

## **6. TRACTOR UNITS IN THE FRAMEWORK OF THE TIR CONVENTION**

The Board, at its preceding session, considered a request for clarification from the Serbian Customs Administration about TIR transports performed by a tractor unit – semi-trailer combination. The Serbian Customs wondered whether the TIR Convention allows for a change of the tractor unit without Customs surveillance and, if yes, when and how such a change should be reflected in the TIR Carnet. The Board felt that two situations should be distinguished: (1) both tractor units belong to one and the same TIR Carnet holder and (2) tractor units belong to different TIR Carnet holders. It was realized that the second situation is closely linked to the issue of subcontractors (see paras. 9 and 10 above). On the assumption that a change of the tractor unit is permitted, the TIRExB shortly discussed whether this change should be indicated on the TIR Carnet. Two opposite views were expressed:

- the TIR Convention focuses on the load compartment (trailer, semi-trailer, container) where TIR goods are located. A tractor unit without a load compartment is not subject to TIR approval and is of no interest to Customs authorities. Thus, neither tractor unit nor its possible replacement should be reflected in the TIR Carnet;
- a tractor unit is considered as a road vehicle, according to the definition of Article 1 (g). The TIR procedure applies not only to the transported goods, but also to all road vehicles carrying out a TIR transport. Both goods and vehicles are under Customs surveillance and, therefore, should be included in the TIR Carnet. In case the tractor unit is substituted, the proper corrections should be made in the TIR Carnet.

In order to make further progress, the Board requested the secretariat as well as the IRU to draft documents which would take into account various views on the issue (TIRExB/REP/2005/29draft, paras.21 and 22). Following this request, the secretariat has prepared Informal document No.14 (2006).

## **7. DRAFT SURVEY ON THE TIR GUARANTEE LEVEL AND ON THE FUNCTIONING OF THE TIR GUARANTEE SYSTEM**

The TIRExB, at its previous session, reconsidered the possible increase in the TIR guarantee level within the context of the difference in the maximum guarantee amount between the EU Member States (EURO 60,000) and other Contracting Parties (US\$ 50,000). The TIRExB noted that this difference had appeared unintentionally and was due to the fact that the US dollar had significantly lost its value against the EURO. Nevertheless, the Board felt that there should be an equal treatment of all Contracting Parties, and having the same guarantee level would be in the spirit of the Convention. Once this goal is achieved, precautionary measures should be taken with a view to avoiding problems with fluctuating currency exchange rates in the future (TIRExB/REP/2005/29draft, para.16).

The Board also considered that not only the declining US dollar exchange rate, but also other factors, such as a big share of expensive and highly taxable goods, an increase in the vehicles' carrying capacity and new packing technologies had contributed to a significant number of TIR transports where the amount of Customs duties and taxes due exceeded the TIR guarantee level. This situation resulted in an excessive use of Customs escorts in some countries. With a view to obtaining an overall picture, the Board decided to undertake a study on the issue whether or not the current TIR guarantee level is considered appropriate by the Contracting Parties. As a first step, the secretariat was requested to draft a questionnaire for consideration at the next session of the TIRExB (TIRExB/REP/2005/29draft, para.17).

Under a separate agenda item, the TIRExB took note of a draft survey on Customs claims prepared by the secretariat (Informal document No.10 (2006)). The Board felt that this survey should be combined with the study on the guarantee level, as mentioned above, and requested the secretariat to draft a new document for consideration at the next session (TIRExB/REP/2005/29draft, para.19).

Against this background, the secretariat has prepared Informal document No.10 (2006)/Rev.1.

## **8. SUSPENSION OF THE TIR GUARANTEE COVERAGE IN BULGARIA**

The TIRExB may wish to recall that, in June 2006, the IRU announced the suspension of the TIR guarantee coverage in Bulgaria. This decision was taken by the insurers of the TIR system following the lodging of a number of Customs claims against the Bulgarian guaranteeing association. The IRU considered these claims illegal and requested their withdrawal. In July 2006, the Bulgarian authorities decided to withdraw the claims. As a result, the suspension of the guarantee did not come into effect.

Although the above dispute had been solved, some TIRExB members were of the view that the underlying situation should further be studied by the Board.

## **9. APPLICATION OF ARTICLES 39 AND 40**

At its preceding session, the TIRExB continued its deliberations with regard to an example of best practice in case of discrepancies between the particulars on the goods manifest of the TIR Carnet and the actual content of the load compartment (Informal document No.3 (2006)/Rev.1). The Board highlighted that decisions in such situations should be taken on a case-by-case basis, depending on the circumstances and national legislation. Nevertheless, the TIRExB was of the view that general guidance on the application of Articles 39 and 40, including some generic examples, could be of assistance to Customs authorities. In this respect, members of the Board informed of their experiences at national level. Furthermore, the Board noted that, in case of discrepancies, the CMR Convention may also apply. In order to take into

account the above considerations, the TIRExB requested the secretariat to redraft Informal document No.3 (2006)/Rev.1 (TIRExB/REP/2005/29draft, para.15).

Against this background, the TIRExB may wish to consider Informal document No.3 (2006)/Rev.2, containing modified proposals by the TIR secretariat.

#### **10. REGISTER ON CUSTOMS STAMPS AND CUSTOMS SEALING DEVICES**

At its previous session, the TIRExB considered a number of issues related to the maintenance of the Register on Customs stamps and Customs sealing devices. The TIRExB was of the opinion that the Register is a valuable tool for Customs authorities and should further be maintained, preferably in an electronic form. The Board underlined the importance of its regular updates and of providing on-line access not only for the TIR Focal Points, but also for Customs officers "in the field", and requested the secretariat to prepare corresponding proposals (TIRExB/REP/2005/29draft, para.24). In this context, the TIRExB may wish to consider a presentation by the secretariat, proposing the relevant technical and administrative solutions, with a view to their adoption, and to mandate the secretariat to launch the project.

#### **11. FILLING-IN OF BOX 8 OF THE TIR CARNET**

At its previous session, the TIRExB was informed of the non-harmonized filling-in of box 8 "Documents attached to the manifest" on the TIR Carnet: some Customs authorities indicate numbers of the accompanying CMR consignment notes, even if they are not physically attached to the TIR Carnets, while other Customs authorities do so only in case CMR's are stapled to the TIR Carnet. The Customs Administration of Finland had recently brought this issue to the attention of the European Commission. The TIRExB decided to revert to this issue at its next session on the basis of information submitted by the Finnish Customs. The Board also invited its members to provide, before 1 August 2006, the secretariat with national regulations on filling-in of the TIR Carnet, with a view to preparing a step-by-step instruction for TIR Carnet holders and Customs authorities (TIRExB/REP/2005/29draft, para.20).

The TIRExB may wish to consider the underlying issue on the basis of Informal document No.13 (2006) which reproduces the letter transmitted by the Customs Administration of Finland.

#### **12. APPROVAL OF ROAD VEHICLES**

The TIRExB, at its previous session, was informed of a number of measures undertaken with a view to ensuring the strict compliance of road vehicles with the technical prescriptions of the TIR Convention (TIRExB/REP/2005/29draft, para.12) and decided on a number of follow-up activities (TIRExB/REP/2005/29draft, paras.13 and 14), such as the elaboration and distribution of check-lists for various types of constructions of road vehicles, the translation and distribution

of the CAFAO's training manual as well as the organization of a training seminar. The Board will be informed of interim results of the above activities.

### **13. APPLICATION OF THE TIR CONVENTION IN SOME CONTRACTING PARTIES**

#### **(a) Italy**

At its previous session, the TIRExB was informed of problems which Turkish transport operators experienced in Italy and requested the secretariat to send an inquiry to the Italian Customs Administration with a view to clarifying the situation (TIRExB/REP/2005/29draft, paras.28 and 29). The Board will be informed of any follow-up on this issue.

#### **(b) Ukraine**

The TIRExB may wish to recall its earlier considerations regarding obligatory suspension of a TIR transport in Ukraine in cases where the amount of Customs duties and taxes at stake exceeded the TIR guarantee level (TIRExB/REP/2004/22, paras. 55-56, TIRExB/REP/2004/24, paras.17-19, TIRExB/REP/2005/26, paras. 38-39 and TIRExB/REP/2005/29draft, para.30) and will be informed of further developments in this matter.

#### **(c) Hungary**

At its preceding session, the Board was informed by the IRU of problems which TIR transport operators had experienced at some external border crossings of Hungary. The TIRExB requested the secretariat, on the basis of detailed information to be submitted by the IRU, to contact the Hungarian Customs authorities with the view to rectifying the situation. In this context, Mr. J. Marques (European Community) informed the Board that the European Commission would also try to address this issue at Community level (TIRExB/REP/2005/29draft, para.31). Against this background, the TIRExB may wish to be informed of follow-up measures taken.

#### **(d) Romania**

At its preceding session, the TIRExB took note that, in 2002, the International Organization for Standardization (ISO) had changed the 3-letter country code for Romania from ROM to ROU. As a result, the former ID-numbers of the Romanian TIR Carnet holders should be replaced with new ones. However, a number of Romanian operators were still indicating their old ID-numbers on TIR Carnets. This led to problems with the Customs authorities in some countries. The Board mandated the secretariat to look in this matter and to find a solution (TIRExB/REP/2005/29draft, para.32). The secretariat will inform the TIRExB of the activities undertaken in line with the above request.

(e) **Kyrgyzstan**

At the previous session, the Chairperson informed the TIRExB of some problems in the relations between the Customs Administration of Kyrgyzstan and the national TIR guaranteeing association. Since the scope of the possible TIRExB's intervention in the matter did not seem clear, the Kyrgyz Customs were invited to transmit further details. The Board took note of this information (TIRExB/REP/2005/29draft, para.35). In this context, the TIRExB may wish to take note that, in October 2006, a new guarantee agreement was signed in Kyrgyzstan. So far, the Kyrgyz authorities have not deposited a copy of the agreement with the Board.

**14. 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:

- maintenance of the ITDB and the current status of data transmission by the Contracting Parties, as well as the status of the ITDB Online+ project;
- 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.

**15. BUDGET PROPOSAL AND COST PLAN OF THE TIREXB AND THE TIR SECRETARIAT FOR THE YEAR 2007**

The TIRExB may wish to recall that, prior to the fall 2006 session of the TIR Administrative Committee, on 26 September 2006, the Board considered the budget proposal and cost plan of the TIRExB and the TIR secretariat for the year 2007 and agreed on the following passage to be included into the report of the present session:

" On the basis of document ECE/TRANS/WP.30/AC.2/2006/11 and Informal document No. 15 (2006), the TIRExB considered the budget proposal and cost plan for the operation of the TIRExB and the TIR secretariat for the year 2007. The Board noted that the budget proposal and cost plan for 2007 (US\$ 1,188,200) reflected a net increase of \$95,500 over the approved budget and cost plan for the TIRExB and the TIR secretariat for 2006 (US\$1,092,700). This increase was mainly due to an increase under the budget line "Project Personnel", to provide for the installation costs (e.g. travel on recruitment, shipment of personal effects, installation grant) of four new project personnel, according to the UN staff regulations, in the event that the current staff separate during 2007. If unused, this amount would be forwarded year-to-year, as in the case for the separation costs. In this regard, the TIRExB requested the secretariat to move this provision in the Fund Statement (annex 2 to document ECE/TRANS/WP.30/AC.2/2006/11), together with the provision for separation costs, and revise the document accordingly.

The TIRExB was informed of consultations on the issue between the secretariat and IRU (Informal documents No.6 (2006) and No.7 (2006) for the TIR Administrative Committee). The IRU confirmed the content of its letters to the UNECE secretariat relating to the budget proposal and cost plan for 2007. In addition, the IRU raised questions and remarks about the overestimation of elements of the cost plan as well as the reserves.

The Board also took note of the findings of the audit of the UNECE-IRU agreement conducted by the Office of Internal Oversight Services (OIOS) (ECE/TRANS/WP.30/AC.2/2006/9/Rev.1), in particular of Recommendation 04 stipulating that "the TIR secretariat should prepare its future budgets and cost plans using a results-based budgeting framework, taking into consideration the reasonableness and sufficiency of each expenditure vis-à-vis the expected accomplishments, its fund balance and the required operating reserve and contingent reserve for staff separation costs in case of early termination of the UNECE-IRU Agreement". The TIRExB requested the TIR secretariat to start preparing results-based budgets and cost plans as of 2008. Finally, the Board endorsed the budget proposal and cost plan for 2007 (ECE/TRANS/WP.30/AC.2/2006/11), subject to the modification referred to in para.1 above, and decided to submit it to the TIR Administrative Committee for adoption."

#### **16. REVIEW OF THE TIRExB PROGRAMME OF WORK FOR 2005-2006**

In view of the fact that the term of office of the present composition of the TIRExB expires in 2007, the Board may wish to review its programme of work for 2005 and 2006 (TIRExB/REP/2003/26, Annex).

#### **17. OTHER MATTERS**

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

#### **18. 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.

#### **19. DATE AND PLACE OF NEXT SESSIONS**

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

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