



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

TIR Executive Board (TIRExB)

Thirty-first session, 25 and 26 January 2007

**PROVISIONAL AGENDA
FOR THE THIRTY-FIRST OF THE TIR EXECUTIVE BOARD (TIRExB)
to be held in Room VIII, Palais des Nations, Geneva,
starting on Thursday, 25 December 2007, 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/2007/31).

2. ELECTION OF A CHAIRMAN

The TIRExB may wish to recall its earlier decision that, when a new composition of the Board is elected at the spring session of the TIR Administrative Committee, the Chairman elected last year should continue until the first meeting of the newly elected TIRExB (TIRExB/REP/2005/25, para.5).

**3. 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 November 2006) on the basis of document TIRExB/REP/2005/30draft as well as comments transmitted by some participants.

4. LOST AND INVALIDATED TIR CARNETS

At its previous session, the TIRExB expressed its concern over the recent increase in the number of TIR Carnets which were lost before issuance and which were subsequently invalidated by the IRU, as reported in the Cute-Wise system. In this context, the Board

welcomed Informal document No.15 (2006) by the IRU, providing background information on the issue. According to the IRU, the increase in the number of invalidated TIR Carnets was due to two cases of loss that had happened in Italy. Later, some TIR Carnets were found and safely sent to the IRU. Following that, their numbers were withdrawn from the list of invalidated TIR Carnets.

The TIRExB wondered if the latter information was in line with the earlier explanation by the IRU that, once invalidated, a TIR Carnet cannot be "revalidated" (TIRExB/REP/2004/24, para.10). The IRU pointed out that this explanation only referred to TIR Carnets invalidated after their issuance by a national association. TIR Carnets which are lost before issuance and invalidated, if recovered afterwards, do not represent a risk for the guarantee chain. Such TIR Carnets change their status to "archived" and no longer appear on the list of invalidated TIR Carnets. The TIRExB was of the opinion that rapid changes in the list may create difficulties for the Customs authorities and that more transparency should be provided with regard to the establishment of the list and subsequent changes therein. The Board also noted that the most recent listing contained not only the TIR Carnets lost in Italy, but also a large number of TIR Carnets distributed to two other countries. To address various issues raised by the TIRExB, the IRU offered to prepare a new document and a presentation for consideration at the next session. The members of the Board were invited to transmit to the IRU in writing additional questions, if any (TIRExB/REP/2006/30draft, paras. 7 and 8).

Against this background, the TIRExB may wish to be informed by the IRU on the underlying issue.

5. TRACTOR UNITS IN THE FRAMEWORK OF THE TIR CONVENTION

At its preceding session, the TIRExB welcomed Informal document No.14 (2006) by the secretariat, analyzing two different approaches with regard to how the provisions of the TIR Convention concern tractor units towing semi-trailers with TIR goods, in particular, whether or not the tractor unit should be reflected on the TIR Carnet. The Board agreed that attention should be paid to Article 15, paragraph 1 of the TIR Convention stipulating that neither special Customs documents nor a guarantee shall be required in respect of the temporary importation of a road vehicle, combination of vehicles or container carrying goods under cover of the TIR procedure.

The Board noted that, in accordance with national legislation of some Contracting Parties to the Convention, if the tractor unit registered abroad is not indicated on the TIR Carnet, this document cannot be used for temporary admission of the tractor unit, and the holder has to present another Customs document for temporary importation of the tractor (e.g., Carnet de Passage). This requirement could lead to delays in the course of a TIR transport. The TIRExB felt that Article 15.1 gives a unique opportunity to avoid those complications by simply inserting the tractor unit registration numbers on the cover page and vouchers of the TIR Carnet. On the other hand, under this approach any change of the tractor unit should be properly reflected in the

TIR Carnet. That could lead to inconveniences for transport operators in case of numerous replacements of the tractor unit, especially if such changes should be made in the presence or, at least, with the consent of the Customs authorities. The Board was of the view that there should be a simplified procedure for tractor unit changes and requested the secretariat to draft a comment on this issue for consideration at the future sessions (TIRExB/REP/2006/30draft, paras.13 and 14). Following this request, the secretariat has prepared Informal document No.1 (2007) which the TIRExB may wish to consider.

6. DRAFT SURVEY ON THE TIR GUARANTEE LEVEL AND ON THE FUNCTIONING OF THE TIR GUARANTEE SYSTEM

At its previous session, the TIRExB considered Informal document No.10 (2006)/Rev.1 by the secretariat, containing a draft survey of the Contracting Parties on the TIR guarantee level and on the functioning of the TIR guarantee system. The Board approved the document, subject to the following remarks:

- the survey should cover the years from 2004 to 2006;
- a 3-month deadline should be given to reply to the questionnaire;
- question 6 from Part B of the survey should refer to the year 2006 and it should be complemented with a similar question on the percentage of non-discharged TIR operations;
- the questionnaire should also address the payment requests made against persons directly liable.

The TIR secretariat was requested to modify Informal document No.10 (2006)/Rev.1 accordingly, to translate it into all official languages and to prepare an electronic version of the questionnaire (TIRExB/REP/2006/30draft, para.15).

Against this background, the TIRExB may wish to consider Informal document No.10 (2006)/Rev.2, containing modified proposals by the secretariat.

7. APPLICATION OF ARTICLES 39 AND 40

On the basis of modified proposals by the TIR secretariat (Informal document No.3 (2006)/Rev.2), the TIRExB, at the preceding session, 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. The Board was not in a position to agree to the document, as several members felt that the proposed example of best practice was not balanced, because it focused on only those situations where the holder of the TIR Carnet should not be liable for the above discrepancies. Therefore, the TIRExB felt that the best practice should be complemented with few situations where the holder should be considered liable and invited its members to transmit to the TIR secretariat, before 31 December 2006,

relevant practical examples together with other comments, if any. The Board decided to revert to this issue at the next session (TIRExB/REP/2006/30draft, para.20).

In this context, the TIRExB may wish to consider Informal document No.3 (2006)/Rev.3, containing updated proposals by the TIR secretariat.

8. USE OF TWO TIR CARNETS FOR ONE ROAD VEHICLE

At its previous session, the TIRExB was informed that the Customs authorities of some Contracting Parties had come across TIR transports where two TIR Carnets were opened for one road vehicle carrying high-value goods (several passenger cars). The country of departure was Poland. The IRU complemented that such rare incidents happened also in Customs offices of departure located in Germany.

The TIRExB felt that those situations do not seem to be in line with Article 17 of the TIR Convention, which stipulates that a single TIR Carnet shall be made out for one road vehicle, and lead to a number of ambiguities concerning the guarantee coverage of the goods (one or two TIR guarantees) and whether or not the Customs offices en route have to follow the decision taken by the Customs office of departure with regard to the number of TIR Carnets. The Board was of the view that the rationale behind such situations should first be explored. To this end, the TIRExB invited its members and the IRU to transmit to the TIR secretariat all available information on these cases in order to revert to this issue at the next session (TIRExB/REP/2006/30draft, paras. 40 - 42).

The TIRExB may wish to continue its discussions on this topic.

9. REVIEW OF THE TIRExB PROGRAMME OF WORK FOR 2005-2006

At its previous session, the Board shortly reviewed its programme of work for 2005 and 2006 (TIRExB/REP/2003/26, Annex) and requested the secretariat to prepare a document outlining main accomplishments of the TIRExB against the programme items, with a view to reporting to the TIR Administrative Committee at its February 2007 session. In line with the above request, the secretariat has drafted Informal document No.2 (2007) that the TIRExB may wish to consider.

10. 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;

- national and regional TIR seminars.

11. OTHER MATTERS

The TIRExB may wish to consider any other matter falling within the competence of the TIRExB. Depending on time availability, the Board may also wish to follow up on some of the issues which were considered at the previous session, but have not been included in the agenda of the present session.

12. 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.

13. DATE AND PLACE OF NEXT SESSIONS

In view of the forthcoming election of TIRExB members on 1 February 2007, the Board may wish to postpone a decision on the date and venue for its next session until the new composition of the TIRExB has been elected.
