



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

TIR Executive Board (TIRExB)

Thirty-eighth session, 3-4 December 2008

**PROVISIONAL AGENDA
FOR THE THIRTY-EIGHTH SESSION OF THE TIR EXECUTIVE BOARD (TIRExB)
to be held at the Palais des Nations, Geneva, starting at 10.00 hours on Wednesday, 3
December 2008, Salle VIII**

1. ADOPTION OF THE AGENDA

The TIRExB may wish to consider and adopt the provisional agenda of its session (TIRExB/AGE/2008/38).

**2. ADOPTION OF THE REPORT OF THE THIRTY-SEVENTH SESSION OF
THE TIRExB**

The Board may wish to adopt the report of its thirty-seventh session (Geneva, 6 October 2008) on the basis of document TIRExB/REP/2007/37draft as well as comments transmitted by TIRExB members.

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

At its thirty-seventh session, the TIRExB took note, with satisfaction, that a great majority of Customs administrations and national associations had put considerable effort into replying to the questionnaire on subcontractors. Because of the high reply rate, the Board decided that it would not be necessary to send reminders and requested the secretariat to start its analysis of the outcome and submit a document for discussion at the Board's present session (TIRExB/REP/2008/37draft, paragraph 8).

Further to this request, the secretariat has prepared Informal document No. 10 (2008), for consideration by the Board.

4. BEST PRACTICES WITH REGARD TO THE USE OF THE TIR CARNET

At its previous session, the TIRExB, when discussing Informal document No. 9 (2008), was of the opinion that, in view of limited experience with the use of a TIR Carnet in the course of multimodal transport operations, it could agree with the findings of the secretariat. On the other hand, the Board felt that with regard to the issue of refusal of a TIR transport to enter a country, a more profound analysis seemed appropriate, which would clearly distinguish between situations where no, one or several border-crossings were involved before the refusal took place. In addition, the Board felt that the proposed Explanatory Note was too general to provide sufficient guidance to Customs authorities how to act in case a TIR transport would be refused entry. Finally, the Board was of the opinion that the issue should not be limited to the situation where the refusal was a consequence of the fact that importation of the goods was prohibited. Thus, the Board requested the secretariat to revise the document, taking account of the indicated findings of the Board. To assist the secretariat, the members of the Board were invited to transmit their comments/proposals or contributions before 3 November 2008 to the secretariat, for inclusion into the revised document (TIRExB/REP/2008/37/draft, paras 10-11).

As requested, the secretariat has prepared Informal document No. 9 (2008)/Rev.1, including, possibly, comments/proposals or contributions from TIRExB members, for consideration by the Board.

5. MONITORING THE PRICE OF TIR CARNETS

The secretariat will inform the Board about further progress with regard to the questionnaire on the price of TIR Carnets at the national level, which was sent to national associations in the course of the summer of 2008. In view of the limited number of initial reactions thereto, the secretariat, at the request of the TIRExB, has sent out a reminder, encouraging associations to reply as soon as possible, thus allowing the Board to fulfil its mandate (TIRExB/REP/2008/37draft, paragraph 12).

6. APPROVAL OF A SPECIFIC CONSTRUCTION OF ROAD VEHICLES

At its thirty-fifth session, the TIRExB considered Informal document No. 2 (2008) by the secretariat, analyzing, at the request of the Belarusian Customs and national association (BAMAP), the approval of a particular type of trailers, whose construction includes an open platform for the transport of heavy or bulky goods as well as a closed load compartment that could be sealed. According to the analysis, if a road vehicle contains several load compartments, it cannot be partially approved: either it is approved as a whole, and all the load compartments meet the TIR technical prescriptions, or it is not approved because, at least, one load compartment does not comply with the said prescriptions. As the underlying construction includes an open platform for the transport of heavy or bulky goods, which cannot be approved

for the transport of goods under Customs seals, the whole construction cannot be granted such approval.

On the other hand, according to Article 29, paragraph 3, the load compartment can be used for the transport of accessories of the heavy or bulky goods carried on the open platform, if they can be easily identified by reference to the description given, or can be provided with Customs seals and/or identifying marks. Thus, Customs seals still can be used as a sort of identifying marks, and even the load compartment can be sealed to make the identification of accessories easier. However, for the liability of the guaranteeing association, it does not make a difference whether the accessories are carried on the open platform, inside the heavy or bulky goods or in the load compartment, because, pursuant to Article 31, the liability of the guaranteeing association covers not only the goods enumerated in the TIR Carnet, but also any other goods which are on the load platform or among the goods enumerated in the TIR Carnet.

The Board requested the secretariat to inform the Belarusian authorities and national association of its considerations and ask for their comments and decided to revert to the issue, once a reply from Belarus had been received (TIRExB/REP/2007/35/ paras. 19-21).

In a letter of 6 October 2008, the State Customs Committee of the Republic of Belarus provided its comments to the TIR secretariat. Although grateful for the interest by the TIRExB in the matter, Belarus Customs, supported by BAMAP, do not share the secretariat's analysis and provide additional arguments why the underlying construction should be approved for the transport under Customs seals and why two TIR Carnets need to be used in case heavy or bulky goods are transported on the open platform as well as other goods in the sealed load compartment.

The Board may wish to consider Informal document No. 11 (2008), in which the secretariat reproduces the letter by the Belarus authorities, together with a non-official translation.

7. CURRENT STATUS OF THE eTIR PROJECT

In line with its standing request, the Board will be informed about the outcome of the fifteenth session of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of computerization of the TIR Procedure (GE.1) which took place on 16 and 17 October 2008 in Geneva.

8. MONITORING THE APPLICATION OF THE EDI CONTROL SYSTEM FOR TIR CARNETS

At its previous session, the TIRExB considered Informal document No. 7 (2008), prepared jointly by the secretariat and the IRU and providing a first assessment of the implementation of Annex 10 at the national level, together with considerations on how to

improve its functioning. Following a first discussion on the issue, the Board decided, as a next step towards full implementation of Annex 10, to look into the establishment of an example of best practice on the efficient organization of data transmission between Customs and the IRU SafeTIR database, based on the experience of one or more Contracting Parties where transmission seems to be working well, such as Serbia. The TIRExB accepted Mr. Milošević' (Serbia) kind offer to prepare an informal document on the issue (TIRExB/REP/2008/37/draft, paragraph 17).

The TIRExB may wish to consider Informal document No. 12 (2008) submitted by Mr. Milošević (Serbia) on the transmission of termination data between Serbian Customs authorities and the IRU SafeTIR database. On the basis of this document, the TIRExB may wish to provide guidance to the TIR secretariat how to further proceed with drafting an example of best practice on the issue.

9. REVIEW OF THE WORK PROGRAMME OF THE TIRExB

At its previous session, the Board decided that, at the current session, it would review its programme of work for 2007 and 2008 on basis of an informal document, prepared by the secretariat (TIRExB/REP/2008/37draft, paragraph 18).

The TIRExB may wish to consider Informal document No. 13 (2008) prepared by the secretariat and outlining main accomplishments of the TIRExB against each work programme item with a view to reporting to the TIR Administrative Committee at its February 2009 session.

10. PROCEDURE PRIOR TO SUSPENSION OF THE GUARANTEE ON THE TERRITORY OF A CONTRACTING PARTY

At the previous session of the Board, within the context of review of the work programme, Mrs. Popiolek (European Commission) offered to prepare, with the assistance of the TIR secretariat, a first draft document under issue 7 of the programme of work, aimed at clarifying the procedure prior to suspension of the guarantee on the territory of a Contracting Party.

The TIRExB may wish to consider Informal document No. 14 (2008), prepared by Mrs. Popiolek (European Commission) and the secretariat, aimed at clarifying the procedure prior to suspension of the guarantee on the territory of a Contracting Party.

11. NATIONAL CONTROL MEASURES

At the previous session, the Board invited the European Commission to provide, at the earliest convenience, information on the NCTS/TIR Regulation, as well as on the forthcoming Regulations 648/05, 1875/06 and the Economic Operators Registration and Identification

number (EORI) legislation. On behalf of the European Commission, Mrs. Popiolek (European Commission) accepted this invitation, but stressed that any such information, other than on measures aimed at the proper use of TIR Carnets, would be provided to the TIRExB on a voluntary basis and for information purposes only, considering that the Commission regarded WP.30 as the proper forum for the dissemination of such information.

The TIRExB may wish to take note of information, provided by Mrs. Popiolek (European Commission) on the above issues, if any.

12. ACTIVITIES OF THE TIR SECRETARIAT

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

- follow-up actions to the previous decisions by the TIRExB;
- maintenance of the ITDB and the current status of data transmission by the Contracting Parties;
- IT-projects managed by the secretariat, such as the ITDBonline+ and on-line UNECE Register of Customs Sealing Devices and Customs Stamps;
- TIR training seminars.

13. OTHER MATTERS

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

14. 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 related to the current session.

15. DATE AND PLACE OF NEXT SESSIONS

The Board may wish to decide on the date and venue for its next session.
