



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

TIR Executive Board (TIRExB)
Fortieth session, 15-16 June 2009

**PROVISIONAL AGENDA
FOR THE FORTIETH SESSION OF THE TIR EXECUTIVE BOARD (TIRExB)
to be held at the Palais des Nations, Geneva, starting at 10.00 hours on
Monday, 15 June 2009 and finishing at 13.00 hours on Tuesday 16 June 2009, Salle XXVI**

1. ADOPTION OF THE AGENDA

The TIRExB may wish to consider and adopt the provisional agenda of its session (Informal document TIRExB/AGE/2009/40).

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

The Board may wish to adopt the report of its thirty-ninth session (Geneva, 17 and 18 March 2009) on the basis of Informal document TIRExB/REP/2008/39draft with comments, transmitted by TIRExB members or the observer.

3. PROGRAMME OF WORK FOR 2009 AND 2010

At its thirty-ninth session, the TIRExB reviewed the programme of work of the 2007-2008 TIRExB and agreed that, in view of the continuity of the main activities emanating from the Board's Terms of Reference, it formed a good basis for the Board's programme of work for the years 2009-2010. Thus, it requested the secretariat to submit an updated draft for discussion and finalization at the present session. In particular, the Board requested the secretariat to rephrase item 5 to better reflect the Board's role in the computerization process, to amend item 6 with a reference to training on technical issues such as the approval of vehicles and the possibility to organize a technical training seminar and to add a new item on self-evaluation to the programme of work (TIRExB/REP/2009/39draft, paras 9).

Taking account of the above instructions, the secretariat has prepared Informal document No. 8 (2009), containing an updated draft of the Board's programme of work for the years 2009 and 2010 for discussion and, possibly, adoption by the Board.

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

At its previous session, the TIRExB reviewed Informal document No. 1 (2009) and established that the refusal for a TIR transport to enter a country is usually based on formal reasons, such as, but not limited to, the expiry of the validity of the TIR Carnet, the absence of required documentation or the application of Article 38 of the Convention. However, and more worryingly, there seem to be situations where a TIR transport is refused entry without the reason being specified in writing by Customs. Although, all in all, the factual number of cases of refusal may be limited, the TIRExB agreed that each situation gave rise to considerable problems in the processing of the TIR Carnet. Therefore, the TIRExB agreed that it would seem useful if Customs could be encouraged to indicate the reason of refusal in the TIR Carnet (Box "For official use") and detach the concerned Vouchers No. 1 and No. 2 from the TIR Carnet. This would then enable the Customs authorities of the country of return to further process the TIR Carnet. In order to further the issue, the TIRExB requested the secretariat to prepare a document for discussion at the present session, containing, on the one hand, proposals for an Explanatory Note encouraging Customs authorities to indicate the reason of refusal in the TIR Carnet and, on the other hand, an example of best practice, clarifying how Customs authorities should process a TIR Carnet in the case of refusal (TIRExB/REP/2009/39draft, paras 11-12).

As requested, the secretariat prepared Informal document No. 9 (2009) for consideration and, possibly, adoption by the Board.

5. MONITORING THE PRICE OF TIR CARNETS

At its previous session, the TIRExB welcomed Informal document No. 2 (2009), prepared by the secretariat and containing the outcome of the survey on the price of TIR Carnets at the national level, together with a preliminary analysis of the results. Considering the complexity of the subject, the Board decided to revert to the issue at the present session, in order to have more time to study the results of the survey (TIRExB/REP/2009/39draft, paras 13-15).

Following this decision, the Board is invited to discuss Informal document No. 2 (2009), supported by an update from the secretariat.

6. INCREASE IN THE PRICE OF TIR CARNETS AND INTRODUCTION OF THE "4 VOLETS TIR CARNET PILOT"

On 17 April 2009, the IRU informed the UNECE secretariat that the IRU competent bodies had decided to adapt the distribution prices of TIR Carnets per 1 April 2009. The communication, inter alia, contained a reference to a "4 volets pilot". In response to a reply letter

from the UNECE secretariat, the IRU Secretary General, in his letter of 30 April 2009, provided further information on the introduction of the “4 volets TIR Carnet”. Both letters have been circulated to the members of the TIRExB.

Within the framework of its mandates to supervise the centralized printing and distribution of TIR Carnets and to monitor the price of TIR Carnets, in accordance with the provisions of Annex 8, Article 10 (b) and (h), the TIRExB may wish to discuss the issue on the basis of Informal document No. 10 (2009), prepared by the secretariat.

7. CURRENT STATUS OF THE eTIR PROJECT

In line with its standing request, the secretariat will inform the Board of the progress made in the eTIR Project.

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

At its previous session, the Board welcomed Informal document No. 7 (2009) prepared by Mr. I Makhovikov (Belarus) on the transmission of termination data between the Belarus Customs authorities and the IRU SafeTIR database as another example of efficient organization of the transmission of data required in accordance with Annex 10 of the Convention. The Board agreed that sufficient material had been gathered to draft an example of best practice and requested the secretariat to prepare a document for discussion at the Board’s present session based on the Serbian and Belarus experiences. Considering that any successful transmission depends largely on the applied technical tools, the observer from the IRU offered to complement the document with technical specifications, based on the IRU’s experiences (TIRExB/REP/2009/39draft, paras. 17-18).

In line with this request, the secretariat, with support from the IRU, has prepared Informal document No. 11 (2009) for consideration and, possibly, adoption by the Board.

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

At its previous session, having considered contributions by various TIRExB members on the issue, as reflected in Informal document No. 3 (2009) , the TIRExB confirmed that, under application of the provisions of Annex 8, Article 10, it had a role to play in contributing to the possible early solution of a potential crisis situation which could endanger the continuity of the TIR system. However, the Board could only fulfill this function, if parties concerned would commit themselves to informing the TIRExB at the earliest possible moment of any event which might impact the functioning of the TIR system. In order to encourage this, the TIRExB requested the secretariat to draft a new Explanatory Note to Annex 8, Article 10 to that extent.

The Board also considered that Informal document No. 14 (2008) deserved further analysis. To that end, the members were requested to study the document once more and submit their consideration to the TIR secretariat not later than by 1 May 2009. TIRExB members were particularly encouraged to react to the issues raised in paragraph 6 of the said document, dealing with the formalities to suspend the guarantee on the territory of a Contracting Party (TIRExB/REP/2009/39draft, paras. 19-21).

The secretariat has prepared Informal document No. 3 (2009)/Rev.1, containing the consolidated contributions by TIRExB members, as well as Informal document No. 12 (2009), containing a proposal for a new Explanatory Note to Annex 8, Article 10, for discussion by the Board. In addition, TIRExB members may wish to exchange views based on their further analysis of Informal document No. 14 (2008).

10. NATIONAL CONTROL MEASURES

At its previous session, the Board considered Informal Document No. 4 (2009) containing a letter by the European Commission together with the text of Commission Regulation (EC) 1192/2008. After extensive discussions, the Board invited its members, as well as the observer, to provide the secretariat with their considerations regarding the conformity of Regulation 1192/2008 with the provisions of the Convention, not later than 1 May 2009, with the aim to finalize discussions at the current session (TIRExB/REP/2009/39draft, paras 22-27).

On the basis of contributions received, the secretariat has prepared Informal document No. 13 (2009) for discussion by the Board.

11. APPROVAL OF A SPECIFIC CONSTRUCTION OF ROAD VEHICLES

A. Request from the Belarusian Customs authorities

At its thirty-eighth session, the TIRExB considered Informal document No. 11 (2008), transmitted by the State Customs Committee of the Republic of Belarus, providing additional arguments why a particular type of trailer, whose construction includes an open platform for the transport of heavy or bulky goods as well as a closed load compartment that can be sealed, would meet the technical prescriptions of the TIR Convention.

The Board reconfirmed the analysis at its thirty-fifth session, stating that, if a vehicle contains several load compartments, it cannot be partially approved: either it is approved as a whole, and all the load compartments meet the technical prescriptions of the TIR Convention, or it is not approved, because, at least, one load compartment does not comply with the said prescriptions (Informal document TIRExB/REP/2008/35, paras. 19-21).

Furthermore, the TIRExB did not share the reasoning by the Belarusian authorities, contained in Informal document No. 11 (2008), that the TIR Convention requires the use of two

TIR Carnets with particular reference to the type of construction concerned. In the view of the TIRExB, Article 17 clearly stipulates that a single TIR Carnet shall be made out in respect of each road vehicle or combination of vehicles. The comment to Article 17 only provides for an exception to this rule in case a consignment consisting of both normal goods and heavy or bulky goods is transported in a combination of vehicles.

The TIRExB further pointed at the provisions of Article 1 of Annex 2 of the Convention, which stipulate that approval is granted to vehicles. In case a vehicle consists of various load compartments, all of them need to be constructed in a Customs secure manner.

Finally, the TIRExB failed to understand the purpose of this particular type of construction, considering that, according to the Belarusian authorities, the size of the load compartment was such, that “goods [could] be carried in the load compartment of the platform under the TIR procedure (under Customs seal) even if no bulky cargoes are carried on the platform.”

The TIRExB requested the secretariat to provide the Belarusian authorities with the Board’s considerations, clarifying that the provisions of the TIR Convention, 1975 do not provide for the approval of this type of vehicle construction. However, as it may well be that the situation has evolved since 1975, leading to a situation where there is a serious demand from the transport market for such construction, the Belarusian authorities are invited to submit a request to WP.30 to further discuss the issue (Informal document TIRExB/REP/2008/38/draft, paras. 12-17).

Due to lack of time at the previous session, the secretariat will inform the Board at the present session of its follow-up activities on this issue.

B. Request from the Estonian Customs authorities

The Estonian Customs authorities submitted a request to the TIRExB to discuss whether the construction of a specific type of vehicle is in line with the provisions of the TIR Convention, particularly Annex 2, Article 1 (c) and (d).

In line with this request, the secretariat prepared Informal document No.4 (2009), containing some background information provided by the Estonian Customs authorities on the case, together with photos, for consideration by the Board.

Due to lack of time at the previous session, the Board decided to revert to the issue at the present session. The Board will also be informed by the secretariat of the latest developments in the issue, 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.
