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

**TIR Executive Board (TIRExB)**

Forty-first session, 14-15 October 2009

**PROVISIONAL AGENDA FOR THE  
FORTY-FIRST SESSION OF THE TIR EXECUTIVE BOARD (TIRExB)  
to be held in Minsk (Belarus)<sup>1</sup> starting at 10.00 hours on Wednesday 14 October 2009**

**1. ADOPTION OF THE AGENDA**

The TIRExB may wish to consider and adopt the provisional agenda of its session (Informal document TIRExB/AGE/2009/41).

**2. ADOPTION OF THE REPORT OF THE FORTIETH SESSION OF  
THE TIRExB**

The Board may wish to adopt the report of its fortieth session (Geneva, 15 and 16 June 2009) on the basis of Informal document TIRExB/REP/2008/40draft with comments, transmitted by TIRExB members or the IRU.

**3. BEST PRACTICES WITH REGARD TO THE USE OF THE TIR CARNET**

At its previous session, the TIRExB reviewed Informal document No. 9 (2009) and agreed with the secretariat that, due to the absence of a specific legal provision covering the issue of refusal and in view of the nature of the information, being a recommendation, a comment to Annex 1 seemed to be the most appropriate form of conveying the intended message. Furthermore, the TIRExB was of the opinion that the wording of both the comment and the example of best practices should be strengthened and that information on the filling-in of box 5 of the corresponding counterfoils should be included. After extensive discussion, the TIRExB

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<sup>1</sup> The meeting will take place at the premises of the State Customs Committee, Mogilevskaya Street 45/1, 220007 Minsk, Republic of Belarus.

also agreed that, in line with standing procedures, the required information in box “For official use” needed to be indicated in all remaining vouchers of the TIR Carnet. In addition, the TIRExB felt that the example of best practices should contain more specific information on the fact that the same TIR Carnet could be used for the remainder of the TIR transport after refusal (or a second one in case an insufficient number of vouchers would remain in the TIR Carnet to end the TIR transport, in accordance with a comment to Article 28 (Informal document TIRExB/REP/2009/40draft, para. 10)).

Following the above instructions, the secretariat prepared, for consideration and, possibly, adoption by the Board, Informal document No. 9/Rev. 1 (2009).

#### **4. 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.

#### **5. MONITORING THE APPLICATION OF THE EDI CONTROL SYSTEM FOR TIR CARNETS**

At its previous session, the Board welcomed Informal document No. 11 (2009), prepared by the secretariat with support from the IRU, containing in Annex a draft recommended practice on the application of the EDI control system for TIR Carnets, referred to in Annex 10 of the Convention. The Board could generally agree to the proposed text, but, at the same time, felt that certain aspects of Annex 10 did not seem adequately reflected. In particular, because the draft recommended practice only focused on one transmission option, other alternatives mentioned in Annex 10 were not addressed. Furthermore, the draft assumed the existence of a local server, which is not the case in all countries. In addition, the draft did not contain any reference to the legal obligations stemming from Annex 10 nor did it address the issue of fall-back, in case the automated system was not functioning (Informal document TIRExB/REP/2009/40draft, para. 19).

Following the above instructions, the secretariat prepared Informal document No. 11/Rev.1 (2009) for consideration and, possibly, adoption by the Board.

#### **6. PROCEDURE PRIOR TO SUSPENSION OF THE GUARANTEE ON THE TERRITORY OF A CONTRACTING PARTY**

At its previous session, the Board considered Informal document No. 3/Rev.1 (2009) and an Addendum thereto, prepared by the secretariat on the basis of contributions submitted by various members of the Board, in which they had outlined their ideas how to encourage countries, national associations and the international organization to improve their information supply to the TIRExB, aimed at ensuring that the TIRExB could fulfil its mandates under Annex 8 of the TIR Convention. The Board also considered Informal Document No. 14 (2008), with

particular focus on 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.

Having considered the various contributions at length, the TIRExB decided to focus its discussions on the following aspects:

- Establishment of an information exchange mechanism between parties concerned and the TIRExB, highlighting the functions and responsibilities of the TIRExB in the process;
- Procedure and deadlines for the suspension of the guarantee under normal circumstances;
- Suspension of the guarantee under exceptional circumstances, including the event of force majeure (Informal document TIRExB/REP/2009/40draft, paras. 21-22).

Following the request of the TIRExB to consolidate all previously prepared documents according to the above identified aspects, the secretariat has prepared Informal document No. 15 (2009) (restricted), for discussion by the Board.

With regard to the suspension under exceptional circumstances, the TIRExB may wish to take note of considerations from the private side, with particular focus on the application of provisions of national private law, submitted by the IRU.

## **7. APPROVAL OF SPECIFIC CONSTRUCTIONS 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 sessions, 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.

Additionally, the secretariat distributed Informal document No. 14 (2009), containing information from the German Customs authorities on the approval of the specific vehicle type.

Due to lack of time at the previous session, the Board decided to revert to the issue at the present session. In the meantime, the secretariat received a reaction from the Estonian authorities on the assessment made by the German Customs authorities, which is contained in Informal document No. 16 (2009).

The Board may wish to discuss the issue on the basis of the above information. In addition, the Board will also be informed by the secretariat of further developments in the issue, if any.

**C. Problems encountered by Finnish authorities**

The TIRExB will be informed of recent problems encountered by the Finnish authorities as a consequence of their refusal to approve a specific type of curtain-sided vehicle, which had already been approved previously by the competent authorities of another Contracting Party.

**8. USE OF THE TERM “PACKAGE”**

In June 2009, the Latvian national association “Latvijas Auto” informed the UNECE of recurring problems in a particular Contracting Party, where Customs controls systematically highlight discrepancies between the marks and numbers of packages as indicated in the goods manifest of the TIR Carnet and information on packages provided in other commercial documents, such as the CMR consignment note."

As introduction to the issue, the secretariat reproduces in Informal document No. 17 (2009) the letter by the Latvijas Auto, together with a preliminary reply from UNECE.

**9. INVALIDATION OF TIR CARNETS ISSUED TO EXCLUDED TIR CARNET HOLDERS**

Several TIRExB members brought to the attention of the TIR secretariat the fact that the latest lists of invalidated TIR Carnets seem to introduce a new motive for invalidation, viz. “excluded/exclus”.

The IRU is invited to provide the TIRExB with information on the issue.

**10. PROBLEMS ENCOUNTERED BY TIR CARNET HOLDERS**

The TIRExB will be informed of problems encountered by foreign TIR Carnet holders in the territory of the Russian Federation.

**11. REINTRODUCTION OF THE TIR GUARANTEE IN THE EU FOR GOODS INVOLVING A HIGH RISK OF FRAUD**

The TIRExB may wish to be informed by the IRU about recent developments in the European Union, allowing the IRU to obtain the consent of the insurers to reintroduce full TIR coverage for the transport of sensitive goods in the territory of the EU (with the exception of certain tobacco and alcohol products). The secretariat reproduces in Informal Document No. 18

(2009) a letter on the issue, sent by the IRU to the director of the UNECE Transport Division, for information of the TIRExB.

## **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, including the current status of data transmission by the Contracting Parties, and of the UNECE Register of Customs Sealing Devices and Customs Stamps;
- IT-projects managed by the secretariat, in particular the ITDBonline+;
- 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.

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