



TIR EXECUTIVE BOARD (TIRExB)

Distr.: General

COMMISSION DE CONTROLE TIR (TIRExB)

19 September 2012

ИСПОЛНИТЕЛЬНЫЙ СОВЕТ МДП (ИСМДП)

Original: English

Administrative Committee for the TIR Convention, 1975

TIR Executive Board (TIRExB)

Fifty-first session

Geneva, 8 October 2012

Agenda item 8

Self-evaluation

Review of the TIREXB programme of work for 2011-2012

Note by the TIR Secretary

A. Background

1. The TIRExB, at its forty-sixth session, decided, as part of its programme of work for the years 2011 and 2012, to prepare, at the end of its term of office, a report providing a quantitative and qualitative assessment in relation to its mandates according to the TIR Convention and submit it to the TIR Administrative Committee for endorsement (See ECE/TRANS/WP.30/AC.2/2011/8, paragraph 8 and ECE/TRANS/WP.30/AC.2/2011/9, point B.4).

2. On the basis of the approved TIRExB reports for 2011–2012 the secretariat has prepared for consideration by the Board Informal document No. 26 (2012), summarizing, in Annex, the main results of the Board's activities against each work programme item with a view to reporting to the TIR Administrative Committee at its February (or October) 2013 session. The document will be amended with considerations by the Board at its fifty-second session.

3. In preparation of the fifty-first session of the Board, the secretariat will separately circulate a list of questions for reply by individual TIRExB members in relation to their personal evaluation of the TIRExB activities in the course of its 2011–2012 term of office.

Annex

Activities of the TIREXB in 2011–2012

<i>Outputs expected in 2011 and 2012</i>	<i>Main accomplishments</i>
A. Ongoing activities	
(1) To study specific measures (both legal and practical) to combat fraud resulting from the misuse of the TIR procedure	
<ul style="list-style-type: none"> • Identification of possible weaknesses in the legal basis of the TIR Convention which could make it prone to fraud. 	<ul style="list-style-type: none"> • The Board took note of various incidents with TIR secure vehicles approved and registered in Turkey, which were found to be equipped with a stretchable TIR wire, which was not compliant with the provisions of Annex 2, Article 3, paragraph 9 of the Convention. TIRExB transmitted the information to the Turkish Customs authorities, which issued new instructions to its Customs offices to pay particular attention to this issue. • The Board requested the secretariat to send a letter to all Customs authorities, reminding them of the importance that all TIR approved vehicles comply, at all times, with the provisions of Annex 3 of the Convention and asking them to pay particular attention to the composition and construction of the TIR wire as well as how it is used on TIR approved vehicles, considering that already small divergences on any kind can lead to the load compartment no longer being Customs secure. • In the view of TIRExB, there is a continued and continuous need for technical training at national level. To underline this, the TIRExB requested the secretariat to initiate the organization of a technical seminar, specifically dedicated to officials dealing with the approval or inspection of vehicles (due in spring 2013, at the kind invitation of the Finnish Customs authorities). • The Board continued to monitor the use of the Fraud Report Form by Contracting Parties as a mechanism to disseminate fraud-related information, with the aim to prevent potential fraud patterns from materializing.
(2) To facilitate the exchange of information between competent authorities of Contracting Parties, national guaranteeing associations, the International Road Transport Union (IRU) and other governmental and non-governmental organizations. To co-ordinate and foster the exchange of intelligence and other information among competent authorities of Contracting Parties	
<ul style="list-style-type: none"> • Elaborate adequate instruments and find measures to improve international co-operation among Contracting Parties to the TIR Convention and their national associations, and the international 	<ul style="list-style-type: none"> • The Board took note of problems raised by the Greek national association (OFAE) and IRU, related to two unsettled claim cases in Greece. Without prejudice to the specific cases at stake, TIRExB confirmed

organization in order to prevent and combat fraud.

- Taking into account the views of other international governmental and non-governmental bodies, and in consultation with the IRU, develop and disseminate guidelines concerning the use of risk analysis, and the identification of fraud prevention measures.
- On the basis of information provided by the TIR international guarantee chain, study the situation with regard to the new trends of fraud, the notifications of non-discharge and TIR infringements as a contribution to an "early-warning system" for identification and prevention of fraud.

(3) To supervise the national Customs control measures introduced in the framework of the TIR Convention

- Identify national Customs control measures introduced in Contracting Parties to the TIR Convention and check their conformity with the provisions of the TIR Convention.
- Address the respective national authorities in order to modify or abolish measures which are in contradiction to the TIR Convention.

that, as a rule, Customs authorities, not having been able to claim payment from the person(s) directly liable and in the absence of satisfactory proof from the national association with regard to the legality of a pending claim, have the right to claim payment from the national association in accordance with the provisions of Article 11, paragraph 1. In such cases, unless it starts legal proceedings in accordance with the provision of Article 11, paragraph 2, the national association must pay the claim within a period of three months, in accordance with the provision of Article 11, paragraph 3.

- TIRExB considered problems related to the treatment of TIR Carnets in the territory of the new Eurasec Customs Union and took note of the clarifications given by TIRExB members from the respective countries. TIRExB reiterated the obligation of Contracting Parties to transmit national control measures to TIRExB for examination and international control measures to AC.2 for adoption.

- TIRExB considered ongoing problems in the Customs territory of the Russian Federation with regard to problems related to the application and practical organization of Customs escorts, in accordance with Article 23 of the Convention.

- TIRExB, with the assistance of the European Commission, monitored the national instructions in Bulgaria on the application (in exceptional cases) of escorts, in accordance with Article 23 of the Convention.

- At the request of IRU, TIRExB investigated various complaints that transport operators, wishing to enter Albania to import goods under cover of a TIR Carnet were forced either to produce additional information with regard to the imported goods (such as CMR), or to end the TIR transport and change to a national transit system (T1), requiring the purchase of an additional guarantee through a broker, located at the border, for an amount of around 20 €(tbc).

(4) To supervise the functioning of the TIR international guarantee system

- Monitor constantly the settlement of Customs claims, on the basis of information provided by national Customs authorities and the IRU.
- Conduct a survey on Customs claims and the TIR guarantee level

- TIRExB took note of the global situation with regard to Customs claims, as reported by IRU.
- TIRExB continued its critical analysis of the change in global

Outputs expected in 2011 and 2012

covering the years 2007–2010 (2011).

(5) To contribute to the computerization of the TIR procedure

- Facilitate the computerization of the TIR procedure by means of supporting the activities undertaken by the Ad hoc Expert Group on Technical and Conceptual Aspects of the Computerization of the TIR procedure (GE.1), including but not limited to:
 - Finalization of the eTIR Reference Model;
 - Cost Benefit Analysis (CBA) of the eTIR Project;
 - Offer its good offices to achieve consensus among all stakeholders on the finalization of the eTIR Project.
- Facilitate the computerization of the TIR procedure by actively contributing to drafting the required legal amendments to the TIR Convention.
- Promote the eTIR Project as part of the Board's training and capacity building activities, including the promotion of the use of EDI standards.
- Encourage IT experts to participate, either as eTIR focal point or as national representatives, in the activities undertaken by GE.1.

Main accomplishments

insurer of the TIR system and, inter alia, requested IRU to submit a list of beneficiary associations (including modifications thereto) to TIRExB as part of the obligation in accordance with Annex 9, Part 1 (f) (v). For the future, TIRExB expressed the view that it would appreciate if, in case of prolongation of the contract, the draft text would be presented to TIRExB at an appropriate moment, when there would still be room for its considerations to be taken into account.

- TIRExB conducted an extensive survey on Customs claims covering the years 2007–2010. It noted with satisfaction that 42 countries had replied to the survey. TIRExB requested the secretariat to submit the consolidated results to AC.2 for consideration and, possibly, endorsement. For the future, TIRExB agreed to amend the survey with two questions about pending claims and decided that the questionnaire should be conducted, at least, every two years, at the beginning of each new term of office of TIRExB.
- TIRExB started considerations on the issue of conformity of the use of additional guarantees with the provision of Article 4 of the Convention (tbc).
- The Board, as a recurring agenda item, was kept informed of the results of the meetings of the Informal Ad hoc Expert Group on Technical and Conceptual Aspects of Computerization of the TIR Procedure (GE.1) as well as of further developments in the eTIR Project. In particular, TIRExB followed with interest the discussions in GE.1 on eTIR in a Single Window environment, the dematerialization of documents supporting the eTIR Customs declaration and the activities of the World Customs Organisation (WCO) Globally Networked Customs (GNC) project. The Board encouraged members as well as the secretariat to closely follow the activities of the GNC Ad hoc Group and contribute to its discussions in order to ensure maximum synergy between initiatives developed by WCO in this context and the eTIR Project.
- The Board welcomed the participation of the secretariat in the Data Model workshops and IT conferences organized by WCO in Seattle, United States of America (2011) and in Tallinn, Estonia (2012).
- At the request of the Board, a letter was sent to Director Generals of Customs, outlining the relevance of the eTIR Project for the future of the TIR system and clarifying the importance for each administration to become actively involved in the activities of GE.1 by means of, inter alia,

- Amend and promote the ITDB as one of the future eTIR components.

nominating eTIR Focal Points.

- The Board, at various intervals, encouraged its members to either take part in in GE.1 sessions themselves or, alternatively, ensure that colleagues with Customs IT background would attend the sessions.
- The Board discussed the draft Cost Benefit Analysis (CBA) of the eTIR Project and provided its comments, for consideration by GE.1 and the consultants. In particular, TIRExB stressed that the Executive Summary should be concise and dedicated to an audience of non-technical decision makers.
- The Board was briefed regularly of progress in the so-called “eTIR Pilot Project”, between Turkey and Italy (with the assistance of the European Commission and the UNECE TIR secretariat) and requested the secretariat to develop a webservice, allowing authorized IT systems to automatically verify the status of TIR Carnet holders against the ITDB.
- TIRExB took note of developments in the UN development account (UNDA) project “Strengthening the capacities of developing countries and countries with economies in transition to facilitate legitimate border crossing, regional cooperation and integration”.
- ITDB was promoted at various international and national meetings, such as seminars, workshops, etc.
- TIRExB welcomed the finalization of the ITDBonline+ tool and took note, with satisfaction, that a growing number of Contracting Parties started implementing this important IT tool as part of the future eTIR system.

(6) To support training activities on the application of the TIR Convention, mainly in Contracting Parties where difficulties are experienced or might be expected in this area.

- Organize, possibly in co-operation with the IRU, and substantially contribute to regional and national workshops and seminars on the application of the TIR Convention, where possible with particular focus on technical issues such as the approval of vehicles.
- Update and distribute the TIR Handbook in the official United Nations languages.
- Prepare and distribute, also via Internet, training material on the application of the TIR Convention.
- A number of regional and national workshops and seminars on the application of the TIR Convention have been conducted (or attended), some of which in co-operation with the IRU: Bosnia and Herzegovina (March 2011), Tajikistan (March 2011), United States of America (May 2011), Estonia (May 2012), Kyrgyzstan (July 2012), Ukraine (September 2012), (to be amended).
- The TIRExB updated the following examples of best practice:
 - Application of Article 11 of the Convention (Chapter 5.7 of the TIR Handbook;

- Application of Article 38 of the Convention (Chapter 5.8 of the TIR Handbook);
- Inquiry procedures in the European Union and the Russian Federation (Chapter 5.4. of the TIR Handbook);
- The TIRExB, after extensive discussions, finalized its activity on the procedure to be followed in case of the suspension of the guarantee on the territory of a Contracting Party and requested the secretariat to submit it to AC.2 for consideration and, possibly, endorsement (New Chapter 5.10 of the TIR Handbook).
- On behalf of TIRExB, the TIR secretariat published TIR related training material on the TIRExB website at [www...](http://www.wcoomd.org)
- At the request of TIRExB, the secretariat started preparations to conduct, in the near future, a seminar on the technical requirements for TIR approved vehicles (due in spring 2013, at the kind invitation of the Finnish Customs authorities).
- TIRExB finalized its assessment of a WCO e-learning course on TIR and took note, with satisfaction, that 88 of the 113 comments made by TIRExB had been taken over by WCO and IRU. For the future, TIRExB invited WCO to consult with TIRExB at any time, with the aim to increasing the overall quality of the course for the purpose of Customs training.

(7) To facilitate the settlement of disputes between Contracting Parties, associations, insurance companies and international organisations without prejudice to Article 57

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| <ul style="list-style-type: none"> • Analyse and monitor disputes referred to the Board and make recommendations (if necessary) to facilitate their settlement. • Clarify procedures prior to a suspension of the guarantee on the territory of a Contracting Party. | <ul style="list-style-type: none"> • The TIRExB, after extensive discussions, finalized its activity on the procedure to be followed in case of the suspension of the guarantee on the territory of a Contracting Party and requested the secretariat to submit it to AC.2 for consideration and, possibly, endorsement. • As a next priority issue, TIRExB decided to assess if/how competent authorities can take measures to monitor the financial status of national associations (ongoing). • TIRExB took note of various issues raised by IRU on problems between the Greek national association (OFAE) and the national competent authorities. In particular, these problems concern: <ul style="list-style-type: none"> (a) The fact that Greek authorities set the price of TIR Carnets; |
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(b) The conditions and requirements of the agreement between Greek Customs authorities and OFAE, obliging OFAE to annually deposit 20% of its revenue on TIR Carnets with the Greek government, in addition to the guarantee of €600,000 deposited with the Greek Ministry of Finance.

TIRExB took note that OFAE intends to address a request to the Board, soliciting the Board's knowledge of and/or experience with similar practices in other TIR Contracting Parties.

- TIRExB took note of the absence of a particular TIRExB member from a Contracting Party at one of its sessions and was informed of a visit by the Secretary General of IRU to that Contracting Party in which he had raised issues related to the functioning of the TIR system in that country. As a result, TIRExB issued a statement, reminding countries of their pledge to provide TIRExB members unimpeded opportunity to attend TIRExB sessions or be engaged in any other TIRExB activity and noting, with regret, that there are repeated signs that the international organization authorized by Contracting Parties to manage the international guarantee system is using its dominant position to directly influence the course of the political decision making process, which should remain the sole prerogative of the Contracting Parties to the TIR Convention. In this context, TIRExB recalled that, according to Explanatory Note 0.6.2 bis-2 and the UNECE/IRU agreement, IRU must respect the competencies of the Contracting Parties to the TIR Convention.

(8) To monitor the application of the Electronic Data Interchange control system for TIR Carnets.

- Continue activities, in co-operation with the IRU, towards the full implementation of an international Electronic Data Interchange (EDI) control system for TIR Carnets, as foreseen by Annex 10 to the TIR Convention.
- Monitor performance and give feedback to the Contracting Parties.
- Study, with the support of IRU, how the EDI control system for TIR Carnets is being used by the national issuing associations for the purpose of fraud prevention.

- Regular briefings by IRU at sessions of WP.30 and AC.2.

(9) To supervise the centralised printing and distribution of the TIR Carnets, including the monitoring of the price of TIR Carnets

- Monitor the annual numbers of TIR Carnets distributed to various Contracting Parties, broken down by type (i.e., 4-, 6-, 14- or 20-voucher TIR Carnets).

- The Board noted, with satisfaction, the entry into force of the provision of Annex 9, Part I, Article 3 (vi), stipulating that national associations provide TIRExB annually, as per 1 March, with the price of

Outputs expected in 2011 and 2012

Main accomplishments

- Monitor the price of TIR Carnets at international level (i.e., ex-IRU price) on the basis of information to be reported by IRU annually or when modified.
- Study all the relevant issues concerning the price of TIR Carnets at the “ex-national association” level.
- Approve any proposed modifications to the TIR Carnet in advance of its introduction and distribution.
- Conduct a survey on the price of TIR Carnets at the national level (2012)

each type of TIR Carnet it issues. At the same time, TIRExB noted that not many associations had done so of their own accord and requested the secretariat to send a letter to Customs administrations, reminding them of this requirement from the Convention and requesting them to obtain the information from their national associations for transmittal to TIRExB (tbd).

- TIRExB took note of various issues raised by IRU on problems between the Greek national association (OFAE) and the national competent authorities. In particular, these problems concern:

- (a) The fact that Greek authorities set the price of TIR Carnets;
- (b) The conditions and requirements of the agreement between Greek Customs authorities and OFAE, obliging OFAE to annually deposit 20% of its revenue on TIR Carnets with the Greek government, in addition to the guarantee of €600,000 deposited with the Greek Ministry of Finance.

TIRExB took note that OFAE intends to address a request to the Board, soliciting the Board’s knowledge of and/or experience with similar practices in other TIR Contracting Parties.

(10) To maintain the central record for dissemination to Contracting Parties of information on all rules and procedures prescribed for the issue of TIR Carnets by associations, as far as they relate to the minimum conditions and requirements laid down in Annex 9

Input to be provided by the IRU in case of changes.

(11) To provide support in the application of specific provisions of the TIR Convention

- On request, draft recommendations and/or examples of best practice on the application of specific provisions of the TIR Convention.
- Review of the example of best practices on inquiry procedures.

- At the request of the Bulgarian national association (AEBTRI) and with the full assistance of the Customs authorities of Turkey, the Board extensively discussed various issues related to the existing example of best practice on the application of Article 38 of the Convention. As a result, TIRExB decided to amend the existing example of best practice and requested the secretariat to submit it to AC.2 for consideration and, possibly, endorsement.

- TIRExB reviewed and amended the two examples of best practice on inquiry procedures (EU and the Russian Federation) and requested the secretariat to submit them to AC.2 for consideration and, possibly, endorsement.

- TIRExB took note of an issue raised by the Greek national association (OFAE), reporting on problems encountered by Greek operators in Ukraine with regard to the acceptance of the TIR Certificate of Approval

for vehicles with sliding sheets. After a first exchange of letter with the authorities concerned, TIRExB was unable to pursue the issue due to the lack of substantial information on individual cases.

- TIRExB monitored problems following the temporary issuance (between May 2010 and June 2011) in two copies of TIR Certificates of Approval in the Russian Federation. Although this practice had been discontinued and companies had been requested to return the second copy, double copies continued to appear, leading, potentially, to abuse in cases where defects have been noted by Customs authorities on one original, but fail to be recognized by others, which are presented with the other, clean, original.
- Further to complications encountered as a consequence of the resignation of a TIRExB member before the end of his term of office, TIRExB decided to amend the heading "Representation" of its Rules of Procedure and accepted a proposal for a new Explanatory Note to Annex 8, Article 9, paragraph 2. TIRExB requested the secretariat to submit the proposal to AC.2 for consideration and, possibly, approval.
- The Board took note of an issue raised by the national association of the former Yugoslav Republic of Macedonia (AMERIT) due to strikes in 2011 by Greek Customs services, but established that it was not competent to deal with this issue, as it falls outside the scope of application of the TIR Convention.
- TIRExB considered the issue of validity of the TIR Carnet in relation to a number of cases where the TIR Carnet holder was using rented vehicles, belonging to another, sometimes even foreign, company. TIRExB confirmed that, in accordance with the provisions of Articles 6 and 9 of the Convention, any TIR Carnet, issued by an authorized national association, affiliated to the same international organization and issued to an authorized TIR Carnet holder, bears a valid guarantee, as long as the TIR Carnet is accepted by the competent authorities of a Customs office of departure within the deadline of validity, fixed by the issuing national association.
- At the request of IRU, TIRExB investigated various complaints that transport operators, wishing to enter Albania to import goods under cover of a TIR Carnet were forced either to produce additional information with regard to the imported goods (such as CMR), or to end the TIR transport and change to a national transit system (T1), requiring the purchase of an additional guarantee through a broker, located at the border, for an amount of around 20 €(ongoing).

Outputs expected in 2011 and 2012

Main accomplishments

- TIRExB started considerations on the issue of conformity of the use of additional guarantees with the provision of Article 4 of the Convention (ongoing).
- The Board took note of problems raised by the Greek national association (OFAE) and IRU, related to two unsettled claim cases in Greece. Without prejudice to the specific cases at stake, TIRExB confirmed that, as a rule, Customs authorities, not having been able to claim payment from the person(s) directly liable and in the absence of satisfactory proof from the national association with regard to the legality of a pending claim, have the right to claim payment from the national association in accordance with the provisions of Article 11, paragraph 1. In such cases, unless it starts legal proceedings in accordance with the provision of Article 11, paragraph 2, the national association must pay the claim within a period of three months, in accordance with the provision of Article 11, paragraph 3.

B. Activities of a limited duration

(1) Preparation of an example of best practices on the application of Article 11 of the Convention (recovery of claims from national associations)

- Draft an example of best practice and submit to the TIR Administrative Committee for adoption.

- The Board analyzed in detail the existing example of best practice on Article 11, containing “recommendations for improvement of communication between national competent authorities and national guaranteeing associations” (Chapter 5.7 of the TIR Handbook). The Board considered the existing recommendations as providing a good basis for the application of Article 11, but questioned their practical use, mainly due to the absence of a specimen notification letter. The Board amended the example of best practice with such specimen notification letter and requested the secretariat to submit it to AC.2 for consideration and, possibly, endorsement.

(2) Implementation of the intermodal aspects of the TIR procedure

- Prepare guidelines for the TIR Administrative Committee how to promote the intermodal use of the TIR Carnet.

- The TIRExB, after introductory discussions on the issue, assessed that the term “intermodal” (the movement of goods in one and the same loading unit or road vehicle, which uses successfully two or more modes of transport without handling the goods themselves in changing mode) seemed to better reflect the options by the TIR Convention than the term “multimodal”, which explicitly allows for the use of subcontractors. TIRExB decided that the best way forward to pursue the efforts to draft an example of best practice of an intermodal TIR transport by means of a combined road-rail transport would be to conduct a short survey among

concerned stakeholders in the transport industry (logistics companies and multimodal transporters), with the aim to determine if there is a specific demand from the transport industry for a single intermodal Customs document and accompanying guarantee (ongoing).

(3) Raise visibility of the work of TIRExB

- Identify measures to raise the visibility of TIRExB and its activities.
- Further to complications encountered as a consequence of the resignation of a TIRExB member before the end of his term of office, TIRExB decided to amend the heading “Representation” of its Rules of Procedure and accepted a proposal for a new Explanatory Note to Annex 8, Article 9, paragraph 2. TIRExB requested the secretariat to submit the proposal to AC.2 for consideration and, possibly, approval

(4) Self-evaluation

- Prepare a report, providing a quantitative and qualitative assessment of the Board’s achievements during its 2011–2012 term of office in relation to its mandates according to the TIR Convention and submit to the TIR Administrative Committee for endorsement.
 - Number of meetings: 6 (until 51st session)
 - Number of participants: 39 (until 50th session)
 - Number of meeting days: 9 (until 51st session)
 - Number of Informal documents: 20 (2011), 26? (2012)
 - Number of Explanatory notes adopted: 1 (until 50th session)
 - Number of comments adopted: 0 (until 50th session)
 - Number of recommendations adopted: 1 (until 50th session)
 - Number of best practices adopted: 3 (until 50th session)
 - Number of surveys conducted: 1 (until 50th session)
 - Number of national control measures analyzed: 4 (until 50th session)
 - Number of seminars organized or attended: 2 (2011); 2 (2012) tbc
 - Number of authorized TIR Carnet holders registered with the International TIR Data Bank (ITDB): 35,000.
-