



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

TIR Executive Board (TIRExB)

Thirty-eighth session, 3-4 December 2008

**REPORT OF THE THIRTY-EIGHTH SESSION
OF THE TIR EXECUTIVE BOARD (TIRExB)**
(3-4 December 2008)

I. ATTENDANCE

1. The TIRExB (TIRExB) held its thirty-eighth session on 3 and 4 December 2008 in Geneva.
2. The following members of the TIRExB were present: Mr. S. Baghirov (Azerbaijan), Mrs. A. Dubielak (Poland), Mr. H. Köseoğlu (Turkey), Mr. H. Lindström (Finland), Mr. H. Luhovets (Ukraine), Mr. V. Milošević (Serbia), Mrs. J. Popiolek (European Commission), Mrs. N. Rybkina (Russian Federation) and Mr. R. Šmidl (Czech Republic) were excused.
3. The International Road Transport Union (IRU) attended the session as observer and was represented by Mr. Y. Guenkov.

II. ADOPTION OF THE AGENDA

4. The TIRExB adopted the agenda of the session as prepared by the secretariat (Informal document TIRExB/AGE/2008/38). However, in view of the absence of Mrs. N. Rybkina (Russian Federation), the Board decided to add to the agenda the item "Election of a Chairman".

III. ELECTION OF A CHAIRMAN

5. In accordance with its Rules of Procedure, the Board re-elected Mr. V. Luhovets (Ukraine), who had also chaired the Board's previous session, to chair its present session. The Board expressed its regret that Mrs. N. Rybkina (Russian Federation) was once more unable to attend the session.

IV. ADOPTION OF THE REPORT OF THE THIRTY-SEVENTH SESSION OF THE TIRExB

Documentation: Informal document TIRExB/REP/2008/37draft

6. The TIRExB adopted the report of its thirty-seventh session (Informal document TIRExB/REP/2008/37draft), subject to the following modification:

Paragraph 17, line 12

Delete as well as other EU member states

7. The revised text of the report of the thirty-seventh session of the Board is contained in Informal document TIRExB/REP/2008/37.

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

Documentation: Informal document No. 10 (2008) (restricted)

8. The TIRExB welcomed Informal document No. 10 (2008), prepared by the secretariat, containing the outcome of the questionnaire on the use of subcontractors, as conducted by the TIRExB over the summer of 2008. The TIRExB noted with satisfaction that, besides a consolidated reply on behalf of the European Community, 27 Customs administrations and 34 national associations had replied to the questionnaire. The TIRExB agreed that the replies make it clear that, whereas a majority of countries and national associations permit the use of subcontractors, a number of countries do not, mainly for legal reasons and that countries seem to be more strict in permitting subcontractors, when the TIR Carnet holder is registered in their own country, than with foreign subcontractors arriving at their external border. In general, in case of infringements, the TIR Carnet holder will be held liable, often together with the subcontractor.

9. In view of the fact that a majority of countries had indicated that the use of subcontractors, so far, has not led to any legal or practical problems, the TIRExB agreed that, for the time being, it did not seem to make sense to propose changes to the TIR Convention. However, in order to support the uninterrupted use of subcontractors in the future, the TIRExB decided to recommend that, once the Customs authorities in the country of departure have accepted a TIR Carnet from another person than the authorized TIR Carnet holder, such TIR Carnet be accepted by the Customs authorities of other countries involved in a TIR transport without further requirements. Finally, the TIRExB invited those countries which, so far, do not accept the use of TIR Carnets by others than authorized TIR Carnet holders, to consider if, on the basis of the outcome of the questionnaire, their national policy would benefit from a review.

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

Documentation: Informal document No. 9 (2008)/Rev.1

10. The TIRExB reviewed Informal document No. 9 (2008/Rev.1) and agreed that, whereas part B on the use of a TIR Carnet in the course of multimodal transport operations was finalized, part C, dealing with the refusal of a TIR transport to enter a country, would benefit from a new and differently structured approach. For that reason, the TIRExB requested the secretariat to prepare a new document for its next session, which would deal with all aspects of the issue where the reasons of refusal were based on provisions of the TIR Convention, leaving other options aside. Conscious of the fact that refusals only take place in very exceptional circumstances, the Board agreed, that contributions by Board members on national experiences on the matter would be most welcome. Thus, TIRExB members were invited to submit their contributions to the secretariat before 15 January 2009 for inclusion into the said document.

VII. MONITORING THE PRICE OF TIR CARNETS

11. The secretariat informed the Board that, so far, 34 associations had reacted to the questionnaire on the price of TIR Carnets at the national level, which had been distributed among national associations in the course of the summer of 2008. The Board requested the secretariat to start analyzing the results, as soon as it had made sure that those associations, which issue the highest number of TIR Carnets, were among the respondents.

VIII. APPROVAL OF A SPECIFIC CONSTRUCTION OF ROAD VEHICLES

Documentation: Informal document No. 11 (2008)

12. 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.

13. The Board reconfirmed the analysis at its 35th 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 (TIRExB/REP/2008/35, paras. 19-21).

14. 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.

15. 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.

16. 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.”

17. 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.

IX. CURRENT STATUS OF THE eTIR PROJECT

Documentation: ECE/TRANS/WP.30/GE.1/2008/5

18. In line with standing procedures, the secretariat informed the Board about the outcome of the 15th 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 (ECE/TRANS/WP.30/GE.1/2008/5). The TIRExB congratulated GE.1 on its excellent, technical work, but regretted the overall slow progress of the eTIR Project, due to the lack of uniform support from Customs authorities and the private industry for the computerization of the TIR procedure. By means of example, the TIRExB referred to the recent problems, linked to the electronic submission of TIR Carnet data to NCTS at EU Customs offices of departure or entry en route, which would not have occurred in case eTIR would already have been implemented. Finally, the Board took note that the Inland Transport Committee (ITC) at its February 2009 session, will be asked to prolong the mandate of GE.1.

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

Documentation: Informal document No. 12 (2008)

19. The Board welcomed 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 as a very good example of an efficient organization of the transmission of data required in accordance with Annex 10 of the Convention. According to further explanations by Mr. Milošević (Serbia), crucial for a well-functioning transmission mechanism is the establishment of strong IT links, both at the national level, between individual Customs post and the central Customs administration, and at the international level, between the central Customs administration and the server at the IRU. He also stressed the importance of dedicated training, because only when Customs officials understand the purpose of speedy transmission of data, not just for the operators and the IRU but also for Customs, they will start processing the termination data without delay.

20. Various TIRExB members stressed that they would be interested to know if all TIR Carnet data could be transmitted to the IRU, leaving it up to the IRU to extract the data required under Annex 10 of the TIR Convention. In response, the observer from the IRU replied that, at present, the IRU SafeTIR database does not provide for this, but that it could be envisaged subject to further discussions in the future

21. The observer from the IRU also clarified that the calculation of the transmission time starts at the moment the Customs certify the termination of the TIR operation at the Customs office(s) of destination, which is neither at the moment the holder arrives at the Customs office of destination, nor is it at the moment the goods are placed under a subsequent Customs regime following termination of the TIR operation..

22. The TIRExB was of the opinion that Informal document No.12 (2008) provided a good example of the centralized transmission of data. As a next step, the TIRExB felt it would be interesting if this example could be compared to other systems. To that end, the Board requested the secretariat to contact various other countries with good transmission rates to solicit more examples for discussion at its next session.

XI. REVIEW OF THE WORK PROGRAMME OF THE TIRExB

Documentation: Informal document No. 13 (2008)

23. The TIRExB considered Informal document No. 13 (2008) prepared by the secretariat and outlining the main accomplishments of the TIRExB against each work programme item. The TIRExB adopted the document and requested the secretariat to amend it with the results from the

current session and submit the document to the TIR Administrative Committee for endorsement at its February 2009 session.

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

Documentation: Informal document No. 14 (2008) (restricted)

24. The Board considered Informal document No. 14 (2008), prepared by Mrs. J. Popiolek (European Commission) and the secretariat, aimed at clarifying the procedure prior to suspension of the guarantee on the territory of a Contracting Party. The Board thanked the authors for providing its considerations on this sensitive issue and agreed that the main focus of its work should be aimed at ensuring that all parties involved in the TIR system fulfil their roles and responsibilities to the extent that they, at all times, provide the relevant bodies in the TIR Convention, in particular the TIRExB, with timely and complete information. Only in doing so, the TIR system will become fully transparent, thus providing the best opportunities to stop a crisis from developing to a point where the guarantee chain could consider the possibility of suspending the guarantee for a specific country.

25. The Board realized that, although the purpose of the exercise – the development of a set of ‘early warning’ tools – might seem straightforward, the methods how to achieve this were not. As a first step, members of the TIRExB were invited to submit, if possible by 15 January 2009, written contributions to the secretariat, outlining 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.

XIII. NATIONAL CONTROL MEASURES

26. Mrs. J. Popiolek (European Commission) informed the Board that any information on the NCTS/TIR Regulation¹, as well as on the forthcoming Regulations 648/05, 1875/06 and the Economic Operators Registration and Identification number (EORI) legislation would be published on the DG TAXUD website² when available. This website also provided links to the websites of national Customs authorities, where further information could be obtained.

¹ Published as EU Regulation 1192/2008 in No. L329 of the EU Official Journal of 6 December 2008.

² <http://ec.europa.eu/taxation_customs/index_en.htm>

XIV. ACTIVITIES OF THE TIR SECRETARIAT

27. The Board was informed that an independent IT security company had audited the UNECE Register of Customs Sealing Devices and Customs Stamps and had established that it displays an excellent security level. As a consequence, the secretariat was in the process of launching a website with the UNECE Register of Customs Sealing Devices and Customs Stamps with a deadline for introduction set at February 2009.

28. The Board took note that, at the kind invitation of the Finnish Customs authorities, the secretariat would visit the Finnish National Board of Customs in Helsinki from 15-19 December 2008 to test a prototype of the developed ITDBonline+ webservice aimed at establishing the direct secured exchange of data between Custom authorities and the ITDB.

29. The secretariat informed the Board that it was invited to organize a regional TIR seminar in Tunisia on 20-21 January 2009. TIRExB members were encouraged to participate in the seminar, at their own expense.

30. The Board was informed that, following a letter from the secretariat, on behalf of the TIRExB, to the Turkish Customs authorities on problems in the filling-in and handling of TIR Carnets involving Turkish Customs and transport operators, the secretariat had received an answer, reporting that the Turkish Customs authorities have instructed their officials to accept only properly filled-in TIR Carnets and to fill-in all boxes for Customs use in accordance with the provisions of the TIR Convention and national instructions. In addition, national guaranteeing associations have been reminded to take appropriate actions so that their members fill-in TIR Carnets correctly and completely. The TIRExB thanked the Turkish authorities for their constructive approach, confident that it would contribute to resolving such incidents, as reported by various countries, from reoccurring in the future.

XV. OTHER MATTERS

31. The secretariat informed the Board that a vacancy for an L4 Customs Expert in the TIR secretariat had been published on the UNECE website. Deadline for submission of applications was set at 25 December 2008.

XVI. RESTRICTION ON THE DISTRIBUTION OF DOCUMENTS

32. The TIRExB decided that the distribution of the following documents, issued for the present session, should be restricted: Informal document No. 10 (2008), Informal document No. 14 (2008).

XV. DATE AND PLACE OF NEXT SESSION

33. In view of the expiry of the mandate of its present composition, the TIRExB decided not to fix a date for its next session and accepted the offer of the secretariat to organize a short TIRExB meeting, immediately following the election of the new TIRExB on 5 February 2009 in which to decide on date and venue for the Board's next session.
