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Economic Commission for Europe**Administrative Committee for the TIR Convention, 1975****Sixty-fourth session**

Geneva, 12–13 October 2016

Item 3 (a) (i) of the provisional agenda

Activities and administration of the TIR Executive Board –**Activities of the TIR Executive Board:****Report by the Chair of the TIR Executive Board****Report of the sixty-sixth session of the TIR Executive Board
(TIRExB)***Summary*

The present document is submitted pursuant to Annex 8, Article 11, paragraph 4 of the TIR Convention, 1975, which stipulates that the TIR Executive Board (TIRExB) “shall report on its activities to the Administrative Committee at least once a year or at the request of the Administrative Committee”.

I. Attendance

1. The TIR Executive Board (TIRExB) held its sixty-sixth session on 8 February 2016 in Geneva.
2. The following members of TIRExB were present: Mr. S. Amelyanovich (Russian Federation), Mr. G. Andrieu (France), Mr. M. Ciampi (Italy), Mrs. D. Dirlik (Turkey), Mr. S. Fedorov (Belarus), Mrs. B. Gajda (Poland), Mrs. L. Jelínková (European Commission), Mr. V. Milošević (Serbia) and Mr. S. Somka (Ukraine).
3. The International Road Transport Union (IRU) attended the session as observer and was represented by Mrs. K. Kasko.

II. Adoption of the agenda

Documentation: Informal document TIRExB/AGE/2016/66

4. TIRExB adopted the agenda of the session as contained in Informal document TIRExB/AGE/2016/66.

5. With reference to the restricted status of the draft agenda, TIRExB recalled its previous decision, taken at its first, second, seventh and thirteenth session, that, unless decided otherwise, only approved reports of sessions of the TIRExB were subject to general distribution (See TRANS/WP.30/AC.2/2002/6, para. 38).

III. Election of a Chairperson

6. The Board recalled that, in accordance with its Rules of Procedure “a Chair shall be elected at the first meeting each year, who shall hold office until his/her successor is elected. He/she shall be eligible for re-election” and re-elected Mrs. D. Dirlik (Turkey) to chair the Board’s meetings in 2016.

IV. Adoption of the report of the sixty–fifth session of TIRExB

Documentation: Informal document TIRExB/REP/2014/65 draft with comments

7. The Board adopted the draft report of its sixty–fifth session (Informal document TIRExB/REP/2015/65draft with comments).

V. Application of specific provisions of the TIR Convention

Consideration of amendment proposals

Documentation: ECE/TRANS/WP.30/AC.2/2016/7; Informal document No. 1 (2016)

8. The Board shortly revisited document ECE/TRANS/WP.30/AC.2/2016/7, as previously approved as TIRExB Informal document No. 11/Rev.1 (2015) and containing the assessment by the Board of the various scenarios to introduce more flexibility in the guarantee system. The Board agreed that the Chair would give a comprehensive introduction of the document to the Administrative Committee, without singling out a specific scenario. In case the Committee so requested, the Board was available to further review any specific scenario or pending issue.

VI. Various issues with regard to the TIR Carnet

Documentation: Informal document No. 1 (2016)

9. Mrs. Kasko (IRU) informed the Board about the availability of IRU to raise the guarantee level to 100,000 € for all Contracting Parties that would express an interest. The international insurer had already or would provide national associations with the appropriate certificates for transmission, via the competent national authorities, to TIRExB. Various members of the Board expressed their appreciation for the efforts undertaken by IRU, but, at the same time, hoped that, in these difficult economic times, the raise would not lead to an increase in the price of TIR Carnets. As repeatedly requested by the Board, IRU finally provided information on the breakdown of the prices of TIR Carnets, as

contained in Informal document No. 1 (2016). Because of the late availability of the document, Mr. Amelyanovich (Russian Federation) requested that further discussions be postponed until the next session. The secretariat reminded IRU that, in case of a raise of the guarantee level, national guarantee agreements had to be amended accordingly and that such information would have to be deposited with TIRExB, in accordance with the provisions of Annex 9, Part 1, paragraph 2.

VII. Computerization of the TIR procedure

A. Current status of the eTIR Project

10. The Board took note of the status quo in the eTIR Pilot Project between Italy and Turkey and of the most recent developments in the UNECE/IRU eTIR Pilot Project between Iran (Islamic Republic of) and Turkey, in particular, that:

(a) On 26 October 2015, all stakeholders had signed the Terms of Reference (ToR) for the project;

(b) By 12 November 2015, two test transports had been conducted. All actors followed, in parallel, the paper-based procedure and exchanged electronic information, demonstrating the well-functioning of all IT systems involved;

(c) Further to the completion of the test transports, four pilot transports had been successfully conducted in November and December 2015 between Izmir (Turkey) and Teheran;

(d) While pilot transports continued to take place, a report of the first step of the pilot project was under preparation and step two (which would involve more transport operators and more customs offices and, possibly, the use of electronic signatures) should start towards the end of February or in early March 2016.

11. The Board also decided that, for the future, the progress made in the framework of the Georgia–Turkey eTIR pilot should also be presented under this agenda item. In this regard, the Chair informed the Board that, on 26 January 2016, at the occasion of the 2016 International Customs Day, held under the slogan “Digital Customs: Progressive Engagement”, Mr. Nodar Khaduri, Minister of Finance of Georgia, and Mr. Bülent Tüfenkci, Minister of Customs and Trade of the Republic of Turkey, had signed a Protocol on electronic data exchange in the framework of a joint eTIR Pilot Project.

12. The Board took note that the Republic of Moldova and Ukraine had signed an agreement (including customs administrations and guaranteeing associations from both countries) and would, on 16 February 2016, hold a first meeting to kick-start the work on their own eTIR pilot project, possibly with the assistance of IRU.

13. TIRExB was also informed about the results of the Group of Experts on the Legal Aspects of Computerization of the TIR Procedure (GE.2) which held its first session on 16 and 17 November 2015 in Geneva. GE.2, inter alia, (a) adopted its work plan and its Rules of Procedure (b) discussed issues such as the compatibility of the eTIR legal framework with national legal requirements and, specifically, any elements where national legislation could create obstacles in implementing eTIR; the administration and financing of the eTIR international system; data confidentiality; identification of the holder and verification of the integrity of electronic data interchange messages; the legal status of the eTIR Reference Model and the procedure to amend it; and the administrative structure of the Protocol or any other alternative format. The complete report of the session, contained in ECE/TRANS/WP.30/GE.2/2, would be submitted to WP.30 for endorsement at its next

session. Finally, the Board noted that the next session of the Group would be held on 4 and 5 April 2016 and that all TIRExB members are welcome to attend and participate.

B. Central database for certificates of approval / central database for customs offices

Documentation: Informal document No. 3 (2016)

14. The Board took note of Informal document No. 3 (2016) by the secretariat, outlining its first activities regarding the establishment of various mandated central databases and their time-line.

15. The Board took note that, first of all, a new application, consolidating all existing and future applications into a single one (called "ITDB") would be established. A first test version of ITDB, comprising the current functionalities of the ITDBonline+, the ITDB web services and the UNECE Register on customs sealing devices and stamps, should be available by June 2016 for testing among (selected) TIRExB members and TIR focal points from customs and national associations. Once a version, meeting all operational requirements, would be obtained (towards the end of 2016), it would be put in production. A first version of the customs database should be ready for testing in September 2016, with a possible launch towards the end of 2016 as well. The database on certificates of approval would follow at a later stage (in 2017).

16. In the context of ITDB, the TIR secretariat raised concerns about the status of data from various countries, not just with regard to (re)admission, withdrawal or exclusion, but also for contact information. The Board requested the secretariat to prepare a document for consideration at its next session, highlighting main concerns or issues that would, ultimately, warrant a final decision by AC.2.

VIII. Adaptation of the TIR procedure to modern business, logistics and transport requirements

Implementation of the intermodal aspects of the TIR procedure

Documentation: Informal document No. 4 (2016)

17. The Board welcomed Mr. Francesco Dionori, Secretary of the UNECE Working Party on Intermodal Transport (WP.24) and Mrs. Dalida Matić, IRU representative for intermodal transport, at the session and thanked them for having accepted to participate once more, as observers, in discussing the intermodal use of the TIR procedure and took note of Informal document No. 4 (2016), elaborating details of various intermodal TIR transports and addressing liability aspects and possibilities for future cooperation with WP.24.

18. By way of introduction, Mrs. Matić presented three examples of intermodal TIR transports:

(a) Roll-on/Roll-off (RoRo)-scenario for a TIR transport from a customs office of departure in Georgia, via the port of Baku, the Caspian Sea and the port of Turkmenbashi (Turkmenistan) to a customs office of destination in Turkmenistan;

(b) Rolling Highway (RoLa)-scenario for a TIR transport from a customs office of departure in Turkey, via the port of Istanbul, the Mediterranean Sea and the port of

Trieste (Italy) and Austria to a customs office of destination in Germany, involving two non-road legs;

(c) Container-scenario for a TIR transport from a customs office of departure in Georgia, via the port of Batumi, the Black Sea and the port of Illchevsk to a customs office of destination in Ukraine, involving a change in vehicles and the use of subcontractors.

19. The Board thanked Mrs. Matić (IRU) for the illustrative examples of intermodal TIR transports. At the same time, some members of the Board questioned the use of examples and rather preferred the establishment of guidelines on how to conduct intermodal TIR transports. In the view of Mr. Fedorov (Belarus), the issue seemed fairly straightforward: the TIR Carnet is only used – and bears a valid guarantee – during the road leg(s) of an intermodal TIR transport. According to Mr. Amelyanovic (Russian Federation), the issue of intermodal TIR was complicated by the following factors: (a) the use of subcontractors and (b) the use of the TIR Carnet as a transport document. In his view, the latter could only be addressed by means of a single harmonized transit declaration for all modes of transport. Mr. Ciampi (Italy) questioned the use of the TIR Carnet for rail transports, as some legislations seem to require a guarantee for this mode of transport whereas others do not. In conclusion, TIRExB requested the secretariat, in collaboration with IRU and in consultation with the Secretary of WP.24 to further elaborate the examples, addressing, in particular, complications related to the use of a TIR Carnet as a single customs document throughout an intermodal transport and decided to revert to the issue at its next session.

IX. Settlement of disputes between Contracting Parties, associations, insurance companies and international organizations

Documentation: Informal document No. 5 (2016)

20. The Board took note of Informal document No. 5 (2016), transmitted by the Government of Ukraine and containing a letter by the First Deputy Ministry of Infrastructure of Ukraine to the Chair of TIRExB. The letter, dated 3 September 2015, recapitulates the situation at the border between the Russian Federation and Ukraine since the announcement by the Federal Customs Service (FCS) of the Russian Federation on the determination of a list of border crossing points open for TIR transports. In particular, the letter informs that, until that date, no such points had been established.

21. Mr. Amelyanovic (Russian Federation) informed the Board that, in an official decree from 14 December 2015, a list with forty-five border crossing points open for TIR transports, had been established and that the decree had entered into force on 22 January 2016. The list had been established after consultations with legal experts from neighbouring countries.

22. In a first reaction, Mr. Somka (Ukraine) informed the Board that the fifteen border crossing points, established by FCS, had not taken due account of the preferences of the Ukrainian authorities and had been determined without consultation. In fact, four of them were located in so-called “anti-terrorist operation” regions, where no border crossing of goods was authorized; one of them was closed according to a decision of the Cabinet of Ministers of Ukraine, three others had the intergovernmental status (meaning that they could only be used by Russian and Ukrainian transporters); five of them were situated outside international transport corridors and located on regional roads and only, in fact, two border crossing points were actively used by international carriers. At the same time, FCS had not taken into due account proposals from the Ukrainian side to include in the list of

border crossing points those with the greatest capacity, the highest level of technical equipment or most actively used by international road carriers.

23. Mr. Somka (Ukraine) stated that, in his view, the occurring problems have arisen as a consequence of the lack of consultation, as required under Article 45 of the Convention. In reply, Mr. Amelyanovic (Russian Federation) stated that the Convention does not contain any provision with regard to form or substance of any consultation, as referred to in Article 45, stressing that consultations with all interested parties, including Ukraine, had taken place. In October 2015, FCS has sent letters and the Ukrainian authorities had replied by November 2015. He further stated that, in his view, the term 'consultation' merely expresses that one party takes note of the position of another party, without necessarily meaning that such position is taken into account.

24. In conclusion, the Board took note of the progress made in the application of the TIR Convention on the territory of the Russian Federation further to the establishment of the list with forty-five border crossing points open for TIR transports, while noting, at the same time, that problems in the application of the TIR Convention at some border crossing points still remain.

X. Problems reported by transport companies from the Republic of Moldova in Ukraine

25. The Board took note that the adoption of a new law, lifting restrictions for the transport of alcohol and tobacco products on the territory of Ukraine under cover of TIR Carnets, was still pending. Mr. Somka (Ukraine) promised to keep the Board informed about any progress on the issue.

XI. Functioning of the international guarantee system

Survey on customs claims

26. The Board recalled that at its sixty-third session it had approved the survey on customs claims and on the guarantee level for the period 2011–2014 and had requested the secretariat to prepare an electronic bilingual version of the questionnaire (English and Russian). On 29 July 2015, the secretariat had sent the questionnaires to TIR focal points with a deadline for reply before 30 November 2015. The Board regretted that, to date, only 29 countries had responded to the online questionnaire and requested the secretariat to send a reminder to those countries that have not yet replied, requesting answers before the end of February 2016. In this context, the Board requested the Chair, in her oral report of the session to AC.2, to remind the Committee of its statement at its sixty-first session that TIRExB could only fulfil the functions entrusted to it by the Convention or by AC.2 if Contracting Parties duly responded to justified requests, such as, in this case, a request to participate in a claims survey, which was the only way in which TIRExB could perform its legal function to supervise the functioning of the international guarantee system (see ECE/TRANS/WP.30/AC.2/125, para. 33).

XII. Activities of the secretariat

A. General activities of the secretariat

27. The Board was informed that the secretariat had participated in the World Customs Organization (WCO) Working Group on the World Trade Organization Trade Facilitation

Agreement (Brussels, 12–13 October 2015) and in the joint UNECE-IRU event held at the end of the Working Group session with the objective of promoting accession to the TIR Convention by African countries. Furthermore, in collaboration with IRU, the TIR secretariat had promoted the UNECE-IRU eTIR pilot project at the fifth WCO Technology and Innovation Forum (Rotterdam, Netherlands, 26–29 October 2015). The Committee was also informed about the participation of the TIR secretariat in the Asia-Pacific Trade Facilitation Forum in Wuhan (China) on 20–21 October 2015 and its contribution to the panel discussion on “Enhancing regional connectivity through trade and transport corridor facilitation” by showcasing the potential benefits of TIR in the Asia-Pacific region. The secretariat also took part in the twenty-sixth Forum of the United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT), which was held in Marseille, France on 3–6 November 2015. The secretariat followed the discussions on the CEFACT “Transport & Logistics Domain” and presented the latest developments of the eTIR project as well as the linkages between the TIR Convention and the Trade Facilitation Agreement. Furthermore, the secretariat presented the TIR Convention and the eTIR project at the Workshop on Customs-to-Customs Electronic Data Exchange, which took place in Casablanca (Morocco) on 2–4 December 2015. Finally, the TIR secretariat took part in the Second Inter-Agency Consultative Group (IACG) Meeting on the Follow-up and Implementation of the Vienna Programme of Action for LLDCs for the Decade 2014–2024 (VpoA), which was organized in New York on 10 and 11 December 2015 by the United Nations Office of the High-Representative for Least Developed Countries, Landlocked Developing Countries and Small Island Developing States (UN-OHRLLS).

B. United Nations Development Account

28. The Board took note of the recent progress in the implementation of the United Nations Development Account project: “Strengthening the capacities of developing countries and countries with economies in transition to facilitate legitimate border crossing, regional cooperation and integration”, and in particular, of:

(a) the extension of the project until June 2016 (30 September 2016 for the evaluation) by the United Nations Department of Economic and Social Affairs (DESA) to allow for the completion of the remaining activities;

(b) the successful conduct of the Customs-to-Customs data exchange workshop organized in partnership by United Nation Regional Commission for Western Asia (ESCWA) and the United Nation Regional Commission for Africa (ECA) (2–4 December 2015, Casablanca (Morocco));

(c) the continuation of the work on developing the data exchange platform and on providing technical assistance to Georgian customs authorities;

(d) the organization of the second inter-regional expert group meeting (20 June 2016, Geneva); followed by

(e) a seminar on Customs-to-Customs Electronic Exchange of Transit Data and the Adoption of Standard Electronic Messages (21 June 2016, Geneva). Developing countries and countries with economies in transition, interested in participating in the seminar, were invited to request funding from UNECE.

XIII. Example agreement

Documentation: Informal document No. 6 (2016)

29. TIRExB took note of Informal document No. 6 (2016), in which the secretariat reproduced the existing example of the written agreement between the association and the competent authorities of a Contracting Party, as stipulated by Annex 9, Part I, Article 1 (d) and contained Chapter 6.2 of the TIR Handbook, prepared by the Board in 2001. The secretariat clarified that this exercise, as such, was not urgent but that, after fifteen years, TIRExB might wish to review the example as part of its ongoing activity to provide assistance in the application of specific provisions of the TIR Convention. TIRExB decided to revert to the issue at its next session. In the meantime, members of the Board were invited to check the practicality of the example agreement at the national level.

XIV. Other matters

30. There were no matters raised under this agenda item.

XV. Restriction in the distribution of documents

31. TIRExB decided to keep Informal documents TIRExB/AGE/2015/66, No. 1 and No. 5 (2016), issued with reference to the current session, restricted.

XVI. Date and place of next session

32. TIRExB decided to conduct its sixty-seventh session on 27–28 April 2016 in Paris at the kind invitation from the customs administration of France.
