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Geneva, 1 October 2009
Item 3 (a) (i) of the provisional agenda

ACTIVITIES AND ADMINISTRATION OF THE TIR EXECUTIVE BOARD (TIREXB)

Activities of the TIRExecutive Board

Report by the Chairperson of the TIR Executive Board

This document is submitted pursuant to Annex 8, Article 11, para. 4 of the TIR Convention 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”. As also foreseen in the TIR Convention, the TIRExB will be represented in the Administrative Committee by its Chairperson.

I. ATTENDANCE

1. The TIRExB held its thirty-ninth session on 17 and 18 March 2009 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. I. Makhovikov (Belarus), Mrs. H. Metaxa Mariatou (Greece), Mr. V. Milošević (Serbia) and Mrs. J. Popiolek (European Commission).
3. The International Road Transport Union (IRU) attended the session as observer and was represented by Mr. J. Acri.

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II. INTRODUCTORY STATEMENT BY THE DIRECTOR OF THE UNECE TRANSPORT DIVISION

4. On behalf of the United Nations Economic Commission for Europe (UNECE) secretariat, the Director of the Transport Division congratulated the members of the TIRExB on their election. Reminding the members of their responsibilities according to the Convention, she recalled that the first TIRExB had been established in 1999 as a as intergovernmental organ with the main goal to improve transparency through the supervision of the application of the Convention, including the operation of the guarantee system. The TIRExB tenth anniversary was the occasion to reflect on its main accomplishments, such as the number of recommendations and examples of best practices it had prepared along with the various surveys it had conducted. It was also the opportunity to look forward to the challenges ahead, in particular with regard to the Board's role as a facilitator for the settlement of disputes between Contracting Parties, associations, insurance companies and international organizations. Finally, the Director referred to the continued cooperation with the IRU, which participates in the sessions of the TIRExB as observer. The open dialogue between TIRExB and IRU constitutes a significant contribution to the existing public-private partnership that makes up the TIR system.

III. ADOPTION OF THE AGENDA

5. The TIRExB adopted the agenda of the session as prepared by the secretariat (Informal document TIRExB/AGE/2009/39).

IV. ELECTION OF A CHAIRMAN

6. The Board recalled that, in accordance with its Rules of Procedure "a Chairman 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 confirmed that, at its constituting informal session on 5 February 2009, it had elected the representative of Ukraine to chair the Board's meetings in 2009.

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

Documentation: Informal document TIRExB/REP/2008/38draft

7. The TIRExB adopted the report of its thirty-eighth session (Informal document TIRExB/REP/2008/38draft), subject to the following modification:

Paragraph 20, line 4-5

Replace but that it could be negotiated in the future by but that it could be envisaged subject to further discussions in the future

Paragraph 21

For the existing text of paragraph 21 read 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.

8. The revised text of the report of the thirty-eighth session of the Board is contained in Informal document TIRExB/REP/2008/38final.

VI. PROGRAMME OF WORK FOR 2009 AND 2010

Documentation: Informal document TIRExB/AGE/2009/39, Annex

9. The TIRExB reviewed the programme of work of the 2007-2008 TIRExB, as contained in Annex to this session's agenda 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. To that end, it requested the secretariat to submit an updated draft for discussion and finalization at its next 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.

10. Within the context of the discussion on its programme of work, the Board extensively reviewed the recurring requests received and gave its views on the conformity of a specific type of vehicle with the provisions of the TIR Convention. The TIRExB confirmed that, as in the past, it would continue to look at such requests on a case by case basis, but that, at the same time, it should be well understood that the TIRExB is not a technical body and that its involvement can only be of a limited nature. At the same time, the TIRExB, acknowledging the need for more technical expertise in the field of TIR vehicles, decided to explore how it could serve as a

platform to establish a dialogue between technical (Customs) experts and the international vehicle construction industry.

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

Documentation: Informal document No. 1 (2009)

11. The TIRExB considered Informal document No. 1 (2009) and established that the refusal of entry to a TIR transport was 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 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 found it 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 process the TIR Carnet.

12. To investigate further the issue, the TIRExB requested the secretariat to prepare a document for discussion at its next 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.

VIII. MONITORING THE PRICE OF TIR CARNETS

Documentation: Informal document No. 2 (2009)

13. The TIRExB welcomed Informal document No. 2 (2009), prepared by the secretariat, containing the outcome of the survey on the price of TIR Carnets at national level, as conducted by the TIRExB in the last trimester of 2008, as well as a preliminary analysis of the results.

14. The TIRExB noted that 40 national associations, representing 38 Contracting Parties, had replied to the questionnaire. Considering the complexity of the subject, the Board decided to revert to the issue at its next session, in order to have more time to study the results of the survey.

15. The secretariat invited the Board members to make sure that the national associations of their countries would respond to the survey.

IX. CURRENT STATUS OF THE eTIR PROJECT

16. Calling to mind the eTIR Project rationale, the TIR secretariat presented the TIRExB with the most recent developments in the project. In particular, the presentation stressed the advantages for Customs authorities, national associations and the international organization of eTIR as compared to the existing paper based system. In reaction, the observer of the IRU stressed that, in his view, the presentation did not fully reflect today's reality, considering that, since the start of the computerization process back in 2002, a number of the eTIR project goals had already been achieved, or at least partly. He repeated that IRU remained committed to the efforts to computerize the TIR system, but that it did not support some of the aspects contained in the eTIR Project. He further stressed that the IRU had no interest to interfere in the public part of the eTIR Project but that, at the same time, it expected recognition of its competence and achievements with regard to the industry's part.

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

Documentation: Informal document No. 7 (2009)

17. The Board welcomed Informal document No. 7 (2009) prepared by the representative of 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 TIRExB particularly appreciated that the representative of Belarus had managed to align his example with the example previously prepared by the representative of Serbia in Informal document No 12 (2008), thus underlining the similarities between both examples.

18. In view of the fact that, according to the observer of the IRU, in other countries where SafeTIR was achieving good results, the chosen approach was comparable to the one presented in the examples from Serbia and Belarus, the TIRExB agreed that sufficient material had been gathered to draft an example of best practice. To this end, it requested the secretariat to prepare a document for discussion at the Board's next 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 its experiences.

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

Documentation: Informal document No. 3 (2009) and Informal document No. 14 (2008) (restricted)

19. The Board considered Informal document No. 3 (2009), 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.

20. Having considered the various contributions, 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 fulfil 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.

21. 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 views to the TIR secretariat not later than by 1 May 2009. TIRExB members were in particular 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.

XII. NATIONAL CONTROL MEASURES

Documentation: Informal document No. 4 (2009)

22. The Board thanked the representative of the European Commission (EC) for having submitted EU Regulation 1192/2008¹ of 17 November 2008 to the TIRExB in accordance with Article 42bis of the Convention with the request to examine its conformity with the provisions of the Convention.

23. In her introduction of the Regulation, the representative of EC apologized for its late publication, but stressed that the EC had been providing information on the said Regulation since

¹ EU Regulation 1192/2008 has been published in No. L329/2008 of the EU Official Journal of 6 December 2008.

2007, thus offering Customs authorities and the transport industry sufficient time and opportunity to prepare themselves for the changes introduced on the territory of the European Union (EU) as per 1 January 2009. She further rejected any suggestion that the Regulation 1192, which is applicable in 27 countries of the EU, considered as one single territory for Custom purposes, should be regarded as an international control measure, requiring adoption by the TIR Administrative Committee. Finally, she stressed that the introduction of Regulation 1192/2008 in no way influenced the proper use of TIR Carnets. The aim of the said Regulation is to do away with the, often late, return of Voucher No. 2 to the Customs offices of entry en route or central Customs offices, thus making the sending of pre-notifications largely redundant.

24. The observer of the IRU noted that, although it might be true that the use of the TIR Carnet had not changed, this was not the case for transport operators. In many EU countries, operators can only submit their electronic TIR Carnet data if they either are resident of that country or at least master the country's national language. If not, operators could only submit their electronic TIR Carnet data by making use of the paid services of third parties, at the border, thus aggravating waiting times and their financial consequences. The observer of the IRU also regretted the lack of support to the implementation in all EU member States of the IRU TIR Electronic Pre-Declaration (TIR-EPD) which allowed TIR holders to lodge thousands of electronic declarations to the current six participating countries, while overcoming national restrictions imposed by most of the national EU systems.

25. In reaction, some TIRExB members clarified that, although there might be problems for TIR Carnet holders, due to the absence of a harmonized approach in all EU countries, there were, at the same time, many advantages for the industry, such as the speedy availability of termination and discharge date and the possibility to check the status of each operation through its Message Reference Number (MRN) in all EU countries. This does not seem to be the case for SafeTIR-data.

26. In order to be able to finalize the issue at its next session, the members of the Board, as well as the observer, were asked 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.

27. Finally, the representative of EC informed of the pending adoption by the EC of a Regulation² which sets a transitional period from 1 July 2009 to 31 December 2010 during which traders will have the option of submitting electronic entry or exit summary declarations on goods

² The Regulation has been adopted on 2 April 2009 and is available at the following address:
http://ec.europa.eu/taxation_customs/resources/documents/customs/procedural_aspects/general/community_code/transitional_provisions_en.pdf

before they enter or leave the EU. The reason for the introduction of a transitional period is the fact that not all actors will be in a position to submit those declarations by 1 July 2009, as required by EU Regulation 1875/2006.³ During the transitional period, goods not declared in advance will be submitted to risk analysis after arrival or before departure.

XIII. APPROVAL OF A SPECIFIC CONSTRUCTION OF ROAD VEHICLES

Documentation: Informal document No. 5 (2009)

28. Due to lack of time, the TIRExB decided to revert to the issues under this agenda item at its next session.

XIV. ACTIVITIES OF THE TIR SECRETARIAT

A. Maintenance of the International TIR Data Bank and International TIR Data Bank online+

29. The Board was informed of the status of transmission of documents and data to International TIR Data Bank (ITDB) and of the progress made in the implementation of the "ITDBonline+ project". The TIR secretariat had developed software for a prototype for the web services with functionalities that interact in a secure mode with the ITDB database and in December 2008 it had been tested successfully in cooperation with the Finnish National Board of Customs. Messages were exchanged between Helsinki and Geneva, allowing for a direct interaction with the ITDB database. The confidentiality and integrity of the messages were achieved by means of cryptography and digital signatures. The TIRExB took note that the TIR secretariat had started the second part of the project, namely the development of the ITDBonline+ Website.

B. UNECE Register of Customs Sealing Devices and Customs Stamps

30. The Board was informed that the TIR secretariat had deployed the online UNECE Register of Customs Sealing Devices and Customs Stamps and made it available for online consultation by TIR Customs focal points and Customs officers in the field. The Board welcomed this information and the fact that many TIR Customs Focal Points had requested access for all their Customs Offices on the Borders and found this application and its information extremely useful.

³ Commission Regulation (EC) 1875/2006 of 18 December 2006, published in the EU Official Journal L360 of 19 December 2006.

C. TIR training seminars

31. The secretariat informed the Board that it had been invited by Customs authorities of Tunisia to organize a regional TIR seminar in Tunisia on 3 and 4 June 2009. TIRExB members were encouraged to participate in the seminar, at their own expense.

XV. OTHER MATTERS

Documentation: Informal document No. 6 (2009)

32. Due to lack of time, the TIRExB decided to revert to this issue at its next session. In the meantime, it requested the representative of Turkey to provide more information on problems faced by Turkish operators due to inadequate application of Article 38 of the TIR Convention in certain countries. Other members of the Board were also invited to provide any information on the issue, if appropriate.

XVI. STUDY VISIT TO THE PREMISES OF THE IRU PRINTING HOUSE

33. On Wednesday 18 March 2009, at the kind invitation of the observer from the IRU, the TIRExB visited the premises of the company in charge of printing TIR Carnets, located in Sion (Switzerland). The visit was conducted within the framework of the TIRExB's mandate to supervise the centralized printing of TIR Carnets, in accordance with the provisions of Annex 8, Article 10 (b) of the Convention.

34. At the printer's premises, the TIRExB established that the printing of TIR Carnets was a technically complex and sophisticated process, with only minimal human involvement and witnessed with satisfaction that the production was taking place under tight security measures.

XVII. RESTRICTION ON THE DISTRIBUTION OF DOCUMENTS

35. The TIRExB decided that the distribution of the following documents, issued for the present session, should be restricted: Informal documents No. 2 and No. 3 (2009).

XVIII. DATE AND PLACE OF NEXT SESSION

36. The TIRExB provisionally decided to hold its fortieth session on 15 and 16 June 2009 (morning), in conjunction with the 122nd session of the Working Party on Customs Questions Affecting Transport (WP.30).
