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Administrative Committee for the TIR Convention, 1975

(Twenty-eighth session, 24 and 25 February 2000,
agenda item 4 (a))

ACTIVITIES AND ADMINISTRATION OF THE TIR EXECUTIVE BOARD (TIRExB)

Activities of the TIRExB

Reports of the TIRExB on its sessions held in 1999

Note: As requested by the Administrative Committee at its twenty-seventh session (21 and 22 October 1999), the secretariat reproduces below, for information of the Administrative Committee, the reports of the first, second and third sessions of the TIRExB held in the course of 1999 (TRANS/WP.30/AC.2/55, paras. 14 and 15). The report of the fourth session of the TIRExB (21 October 1999) will be made available to the Administrative Committee as soon as the TIRExB has approved it.

A. REPORT OF THE FIRST SESSION OF THE TIRExB (Geneva, 25-26 March 1999)

ATTENDANCE

1. The TIR Executive Board (TIRExB) held its first session at Geneva on 25 and 26 March 1999. The session has been convened by the TIR Secretary in accordance with paragraph 9 of the Terms of Reference of the TIRExB (TRANS/WP.30/AC.2/49, annex 3).
2. The following nine members of the TIRExB were present: Mr. G. Bauer (Switzerland); Mr. O. Beginin (Russian Federation); Mr. R. Ehmcke (Germany); Mr. O. Fedorov (Ukraine); Mrs. Y. Kasikçi (Turkey); Mr. Z. Lovric (Croatia); Mr. J. Marques (European Community); Mr. M. Olszewski (Poland); Mr. I. Parts (Estonia).
3. The TIR Secretary attended the session in accordance with annex 8, article 9, paragraph 1 of the Convention.
4. The International Road Transport Union (IRU) attended the session partially in accordance with annex 8, article 11, paragraph 5 of the Convention and was represented by Mr. J. Groenendijk, Head of the TIR Department.
5. Other organizations did not attend the session.

ADOPTION OF THE AGENDA

6. The TIRExB adopted the agenda of its present session as prepared by the TIR Secretary (TIRExB/1999/1).

ELECTION OF A CHAIRMAN

7. In accordance with annex 8, article 11, paragraph 3 of the Convention, Mr. Rainer Ehmcke (Germany) was elected as Chairman.

ADOPTION OF THE RULES OF PROCEDURE OF THE TIRExB

8. The TIRExB recalled that the Administrative Committee, at its twenty-fourth session, had endorsed the Rules of Procedure of the TIRExB on the understanding that the Convention (annex 8, article 11, paragraph 3) leaves it up to the TIRExB to adopt its own Rules of Procedure as long as

they are not provided in the Convention (TRANS/WP.30/AC.2/49, annex 4). The Administrative Committee had felt that it would be useful, however, to provide the TIRExB with a set of basic rules in order to facilitate its proceedings as of its establishment (TRANS/WP.30/AC.2/49, para. 25; TRANS/WP.30/AC.2/1998/1, para. 9).

9. The TIRExB reviewed these Rules of Procedure (TRANS/WP.30/AC.2/49, annex 4) and adopted them subject to the following amendments and comments:

Representation

10. The TIRExB was of the view that in case one of its members resigned before the completion of his/her mandated terms of office, a replacement member should be elected by the TIR Administrative Committee as soon as possible. The Committee was invited to take a decision on such a proposed procedure at its forthcoming October session.

Languages

11. Notwithstanding the provisions in the Rules of Procedure, the TIR Secretary was requested to ensure the distribution of all working documents at least in English. Efforts should be made to prepare important documents also in French and Russian, particularly the provisional agenda and the reports of the sessions.

Reports

12. The TIRExB decided to add to the provisions on "Reports" the following provision:

"Before the end of each session of the TIRExB, the TIR Secretary will summarize the conclusions of the sessions, including decisions taken. Following the session, a short report will be transmitted by the TIR Secretary to the members of the TIRExB for comments, if any. Should comments be transmitted to the TIR Secretary within a given time period, the report will be considered and adopted at the next session of the TIRExB."

Relations with other organizations

13. The TIRExB interpreted annex 8, article 11, paragraph 5 of the Convention in the sense that it could invite to its sessions, through its Chairman, any organization or expert that it considered as being of use to take part in its work.

CONSIDERATION OF THE PROGRAMME OF WORK OF THE TIRExB

14. The TIRExB considered its programme of work for the year 1999 based on a number of working documents prepared by the TIR Secretary, taking into account the considerations on the application of the TIR Convention in the TIR Administrative Committee and in the ECE Working Party on Customs Questions affecting Transport (WP.30).

(a) Transmission of legally required documentation to the TIR Secretary

15. The TIRExB took note that at present less than half of all States, Contracting Parties to the Convention had sent complete documentation to the TIR Secretary in line with the requirements of the Convention, namely:

S article 38, paragraph 2;

S annex 9, Part I, paragraph 1 (e);

S annex 9, Part I, paragraph 1 (f)(v) (insurance contract and insurance certificate);

S annex 9, Part II paragraphs 4 and 5 (in line with the Model Authorization Form (MAF) and, if possible, using the data entry mask distributed on CD-ROM by the TIR Secretary).

16. The TIRExB requested the TIR Secretary to issue in due course reminder letters to all States that had not yet complied fully with the above legally required documents.

17. In this context, the TIRExB stressed that it was necessary for each Contracting Party to send to the Board not only a certified copy of the insurance contract but also a copy of the insurance certificate, because the latter indicated clearly the beneficiary of the insurance.

18. The TIRExB noted that the insurance certificates received so far provided not only for the exclusion of insurance coverage for "Tobacco and Alcohol" TIR Carnets, but also for the exclusion of small quantities of such goods (TRANS/WP.30/162, paras. 41-43) and for the exclusion of a number of sensitive goods on the territory of the European Community. Such exclusions were not contained in the global insurance contract.

19. The TIRExB also decided to accept photocopies of the documents required under the Convention (see paragraph 15 above) as long as they had been approved and transmitted by the competent authorities of the States, Contracting Parties to the Convention.

(b) Priority items for consideration and resolution by the TIRExB

- Multi-user transport operations under the TIR regime

20. The TIRExB stressed that it was a matter of great priority for modern multi-user transport operations to allow for the possibility that TIR operations could also be undertaken by other persons than the TIR Carnet holder. A general resolution of this problem in the framework of the Convention would require the adoption by the TIR Administrative Committee of relevant amendments, explanatory notes and/or comments to the Convention. Their entry into force could well take two years.

21. The TIRExB took note that the practical problems in this field were due to differences in national Customs legislation in various Contracting Parties and diverse interpretations of the TIR Convention rather than due to lack of relevant provisions in the Convention.

22. The TIRExB was of the view that it was important to arrive at short-term solutions in this matter with a view to resolving some of the international transport problems arising from such differences in legislation and interpretation. Such short-term solutions, affecting a few concerned countries only, might be found in a consensus view among the concerned Customs authorities, national associations and representatives of the international guarantee chain (IRU and international insurers).

23. A consensus could be based on the following conditions and requirements:

- S any subsequent transport operator (non-holder of a TIR Carnet) has to be authorized to utilize TIR Carnets in accordance with annex 9, part II of the Convention. The fulfilment of this obligation will be clearly indicated in the TIR Carnet and in the CMR consignment note;
- S the number of subsequent transport operators per TIR Carnet may be limited;
- S the TIR Carnet holder should be jointly and severally liable with subsequent transport operators vis-a-vis Customs authorities for payment of Customs duties and taxes together with any default interest in accordance with national legislation;
- S Customs authorities, during the authorization procedure for a person to utilize TIR Carnets, should take due account of any information provided by other concerned Contracting Party on serious or repeated offences against Customs or tax legislation committed by this person;

- S Customs authorities should prove, by a registered letter or any other form, that a payment request has been transmitted to the holder of a TIR Carnet in accordance with article 8, paragraph 7 of the Convention;
- S full international guarantee and insurance coverage for such multi-user TIR operations under the above conditions is ensured.

24. Some of these provisions were not acceptable for all TIRExB members. Other conditions and requirements were proposed, such as effective settlement of pending claims related to multi-user transport.

25. Such a consensus view, based on the above and possibly other or modified provisions, should be ensured by all parties concerned in an appropriate form to be prepared and authenticated by the TIRExB.

26. Some members of the TIRExB and the observer of the IRU expressed their doubts as to whether such a consensus would be possible and appropriate in the framework of the TIRExB.

27. The TIRExB felt that agreement on the above provisions, at least in principle, should be arrived at during its forthcoming session. The TIR Secretary was requested to take all necessary steps to facilitate such an agreement and to prepare a basic document for consideration of the TIRExB.

- **National control measures**

28. Noting that, in accordance with annex 8, article 10 of the Convention, the TIRExB should coordinate and foster the exchange of information between competent authorities of Contracting Parties, associations and international organizations, the TIR Secretary was requested to distribute a questionnaire on national control measures taken by Contracting Parties (article 42 bis of the Convention). The TIRExB stressed that it was of the utmost importance that such measures be communicated to the TIRExB as soon as possible and prior to their coming into force in order to allow for an examination of their provisions.

- **Monitoring of the price of TIR Carnets**

29. The TIRExB was not in a position to reach a consensus on the procedures for the monitoring of the prices of TIR Carnets. One member was of the view that information on this issue, to be transmitted by the IRU, should consist of the total price of TIR Carnets as well as of components

thereof. Other members felt that such detailed information was part of the commercial activities of the IRU and of no interest to the TIRExB.

- **Re-establishment of full guarantee coverage of TIR Carnets**

30. The TIRExB agreed to consider ways and means to re-establish full guarantee coverage under the TIR regime for all categories of goods in accordance with the relevant decisions taken by WP.30 at its ninety-second session (TRANS/WP.30/184, para.50).

31. The TIRExB differentiated between four separate issues that would need to be resolved:

(a) Re-establishment of insurance coverage on the territory of the EU for the 3 categories of goods for which the comprehensive guarantee coverage under the Community / Common Transit system had been re-introduced on 1 August 1997;

(b) Re-introduction of insurance coverage for all other excluded goods on the territory of the EU;

(c) Re-introduction of insurance coverage for small quantities of tobacco and alcohol (TRANS/WP.30/162, paras. 41-43);

(d) Re-introduction of insurance coverage for the "Tobacco and Alcohol" TIR Carnet.

32. The observer of the IRU expressed the concern of the IRU General Assembly about the risk of re-introduction of these goods in the guarantee chain without a clear and fully reliable system of control.

- **Approved Customs offices for TIR operations**

33. In line with article 45 of the Convention, the TIRExB decided to study possible ways and means for the establishment and maintenance of an international data bank on approved Customs offices for accomplishing TIR operations that would be available on-line by all interested parties. The TIR Secretary was requested to prepare concrete proposals in this regard.

- **Full application of the EDI control system for TIR Carnets**

34. The TIRExB stressed the importance of the effective functioning of the EDI control system for TIR Carnets (IRU SAFETIR system) in all countries utilizing the TIR procedure. The TIR Secretary was invited to consult with the IRU on possibilities for an improved application of the system in some countries and to lend his assistance to this effect.

35. The IRU and the TIR Secretary were invited to make concrete proposals for a well-functioning reconciliation procedure. Such a procedure was necessary in case data transmitted by the EDI system were apparently false, incomplete or not in line with the information contained in the TIR Carnet returned to the association and the IRU following termination of the TIR procedure.

- **Other priority items**

36. The TIRExB felt that the following items could also be included in its programme of work:

S Preparation of a Handbook on best practices in Contracting Parties;

S Support for training activities on the application of the TIR procedure, mainly in new Contracting Parties to the Convention;

S Possibility of granting specially authorized consignees and consignors permission to terminate and to open TIR operations at their premises (refer to article 49 of the Convention).

NEXT SESSION OF THE TIRExB

37. The TIRExB decided to convene its second session at Geneva on 25 June 1999, in conjunction with the session of the ad hoc group of experts on Phase II of the TIR revision process.

B. REPORT OF THE SECOND SESSION OF THE TIRExB (Geneva, 25 June 1999)

ATTENDANCE

1. The TIR Executive Board (TIRExB) held its second session at Geneva on 25 June 1999.
2. The following eight members of the TIRExB were present: Mr. G. Bauer (Switzerland); Mr. O. Beginin (Russian Federation); Mr. R. Ehmcke (Germany); Mr. O. Fedorov (Ukraine); Mr. Z. Lovric (Croatia); Mr. J. Marques (European Community); Mr. M. Olszewski (Poland); Mr. I. Parts (Estonia). Mrs. Y. Kasikçi (Turkey) was excused.
3. The TIR Secretary attended the session in accordance with annex 8, article 9, paragraph 1 of the Convention.
4. The International Road Transport Union (IRU) attended the session in accordance with annex 8, article 11, paragraph 5 of the Convention and was represented by Mr. J. Groenendijk, Head of the TIR Department.
5. Other organizations did not attend the session.

ADOPTION OF THE AGENDA

6. The TIRExB adopted the agenda of its present session as prepared by the TIR Secretary (TIRExB/1999/3) with the addition of the following items:

Agenda item 3 bis: State-of-the-art of the arbitration related to outstanding Customs claims

Agenda item 8: Implementation of the TIR Convention in the Federal Republic of Yugoslavia

ADOPTION OF THE REPORT OF THE FIRST SESSION OF THE TIRExB

Documentation: TIRExB/1999/2 and TIRExB/1999/2/Rev.1.

7. The TIRExB adopted the report of its first session as prepared by the TIR Secretary (TIRExB/1999/2) with the following remarks:

In para. 4 to insert the word “partially” after the words “The International Road Transport Union attended the session”.

In para. 26 to insert the words “and the observer of the IRU” after the words “Some TIRExB members”.

To include a new paragraph after para. 31 to read as follows:

“The observer of the IRU expressed the concern of the IRU General Assembly about the risk of re-introducing these goods in the guarantee chain without a clear and fully reliable system of control.”

8. The TIRExB felt that the term “a multi-user TIR operation” (e.g. a TIR operation which involves more than one transport operator) should be used instead of “a multimodal TIR operation”. Before utilising the new term “multi-user TIR operation” it will need to be precisely defined.

9. With regard to the distribution of its documents, the TIRExB agreed that extracts of its reports could be published in order to allow Contracting Parties to become familiar with the main considerations and results of its work. Decisions to this effect should be taken whenever necessary.

10. The revised report of the first session of the TIRExB is contained in document TIRExB/1999/2/Rev.1.

TRANSMISSION OF LEGALLY REQUIRED DOCUMENTATION TO THE TIRExB AND ITS COMPLIANCE WITH THE PROVISIONS OF THE CONVENTION

Documentation: TIRExB/1999/4.

11. The TIRExB was informed about the current status with regard to the transmission by Contracting Parties of legally required documentation to the TIRExB (TIRExB/1999/4). In accordance with the request of the TIRExB at its first session (TIRExB/1999/2, para. 16), the TIR Secretary has sent on 15 April 1999 a reminder letter to all competent authorities of States that had not yet transmitted all of the required documents. At present, 24 countries have sent the required documentation. In most of the remaining Contracting Parties, the ratification procedure for the amendments under phase I of the TIR revision process has not yet been completed.

12. The TIRExB expressed concern about the long time required in some Contracting Parties to enshrine the provisions of the amended Convention into national law. It felt that the Administrative Committee should be informed about this problem with a view to considering a possible extension of the legal time period provided for in article 59, paragraph 3.

13. The TIRExB took note of a brief presentation on the functioning of the International TIR Databank (ITDB) administered by the TIR Secretariat. At present, information on 20,544 authorised TIR Carnet users are stored as received by the TIRExB from competent authorities in accordance with annex 9, Part II of the Convention.

STATUS OF THE ARBITRATION PROCEDURE RELATED TO OUTSTANDING CUSTOMS CLAIMS

14. Taking into account consideration of this issue on the sessions of the Working Party on Customs Questions affecting Transport (WP.30), the Board expressed its deep concern about extremely slow arbitration procedures that might result in expiry of Customs debts in some Contracting Parties to the TIR Convention, claims of which are the subject of legal proceedings.

15. The TIRExB recalled that, in accordance with some guaranteeing association's request, some countries had agreed to suspend legal actions which had been taken already against national guaranteeing associations until the arbitration led to concrete results. It was stressed that for the time being these countries might wish to resume the above actions with the view to not missing the final deadline for payment requests.

16. Some TIRExB members questioned whether the present arbitration procedure, involving only the IRU and not the Customs authorities concerned, was adequate to ensure rapid settlement of outstanding claims, particularly taking account of the extremely long period already passed without compensation of individual claims. The TIRExB also noted with concern that representatives of the old insurance pool had apparently approached at least one Customs authority with the objective of negotiating the terms and the amount of the claims to be settled. This approach had been rejected by this Customs authority. In this regard, the IRU was requested to provide the TIRExB, at its next session, with an account of payment claims being considered in the arbitration process on a country by country basis.

MULTI-USER TRANSPORT OPERATIONS UNDER THE TIR REGIME

Documentation: TIRExB/1999/5.

17. Taking account of document TIRExB/1999/5 prepared by the TIR Secretary, the TIRExB continued discussion on the possibility of multi-user TIR operations. It was underlined that the TIRExB should concentrate on practical solutions to the problem rather than considering the reasons of diverse opinions on this issue by and in various Contracting Parties.

18. The TIRExB was of the view that a Memorandum of Understanding (MoU) might be a possible solution for all parties concerned. The objective of such a MoU is not to modify the provisions of the Convention, but to arrive at a common interpretation of the Convention in those countries in which multi-user TIR operations are carried out. Competent authorities, national associations and other interested parties might be invited to sign this MoU. The observer of the IRU mentioned that the MoU should leave out the question related to the settlement of claims. He would deem it necessary to resume the experts' meeting between representatives of the Russian State Customs Committee, the Association of International Road Carriers (ASMAP), the IRU and the new pool of insurers.

19. The TIR Secretary was requested to prepare, as soon as possible, a first draft of such a MoU for consideration by the TIRExB and to transmit it, following consultations with the Chairman of the TIRExB, to concerned countries for comments. The MoU could then be finalized at the next session of the TIRExB.

20. The observer of the IRU was of the view that such a MoU could become a dangerous precedent that might result in a number of consequences when some countries would ask for additional agreements on issues described clearly in the Convention.

NATIONAL CONTROL MEASURES

Documentation: TIRExB/1999/6.

21. The TIRExB was informed that, following the request at its first session (TIRExB/1999/2, para. 28), the TIR Secretary has surveyed approximately 30 countries which utilise the TIR procedure about national control measures taken by competent authorities in accordance with article 42 bis of the Convention (TIRExB/1999/6). In addition, the TIRExB took note of control measures that had entered into force recently in Romania and Lithuania.

22. The TIR Secretary was invited to continue its activities in this field with a view not only to collecting such information, but also to analysing the reasons given by countries for application of national control measures.

MONITORING OF THE PRICE OF TIR CARNETS

23. The TIRExB took note of information on the price of TIR Carnets furnished by the IRU and decided to consider it in detail at its next session.

ACTIVITIES OF THE TIR SECRETARIAT

24. The TIRExB was informed by the TIR Secretary on the activities of the TIR Secretariat carried out in accordance with its mandate and decided to continue its consideration of this issue in detail at the next session of the Board.

OTHER MATTERS

Not considered due to lack of time.

DATE AND PLACE OF NEXT SESSION

25. The TIRExB welcomed and endorsed the proposal of the Russian Federation to host the third session of the TIRExB in Moscow, to be convened on 22 and 23 September 1999.

**C. REPORT OF THE THIRD SESSION OF THE TIRExB
(Moscow, 22-23 September 1999)**

ATTENDANCE

1. The TIR Executive Board (TIRExB) held its third session at Moscow from 22 to 23 September 1999.
2. The following seven members of the TIRExB were present: Mr. G. Bauer (Switzerland); Mr. O. Beginin (Russian Federation); Mr. R. Ehmcke (Germany); Mr. Z. Lovric (Croatia); Mr. J. Marques (European Community); Mr. M. Olszewski (Poland); Mr. I. Parts (Estonia). Mrs. Y. Kasikçi (Turkey) and Mr. O. Fedorov (Ukraine) were excused.
3. The TIR Secretary attended the session in accordance with annex 8, article 9, paragraph 1 of the Convention.
4. The International Road Transport Union (IRU) attended the session in accordance with annex 8, article 11, paragraph 5 of the Convention and was represented by Mr. J. Groenendijk, Head of the TIR Department, Mr. A. Shmelev, IRU delegate in the Russian Federation and his assistant Ms. J. Adamova.
5. The Association of International Road Carriers (ASMAP) attended the session upon the invitation of the Chairman and was represented by Mr. A. Lokhov, Head of the Customs Affairs Department.

ADOPTION OF THE AGENDA

6. The TIRExB adopted the agenda of its present session as prepared by the TIR Secretary (TIRExB/AGE/1999/3) with the addition of the following items:

- Agenda item 11:
- (a) Transportation of humanitarian aid under cover of TIR Carnets;
 - (b) Transit of goods in Former Yugoslavia;
 - (c) Certificate of approval for road vehicles.

ADOPTION OF THE REPORT OF THE SECOND SESSION OF THE TIRExB

Documentation: TIRExB/1999/7 and TIRExB/1999/7/Rev.1.

7. The TIRExB adopted the report of its second session as prepared by the TIR Secretary (TIRExB/1999/7) with the following remarks:

Paragraph 15: Delete the words “the IRU’s request” and replace by “some guaranteeing association’s request”.

Paragraph 8: Include a new sentence to read as follows:

“Before utilising the new term “multi-user TIR operation” it will need to be precisely defined”.

Paragraph 18: Include a new sentence to read as follows:

“The observer of the IRU mentioned that the MoU should leave out the question related to the settlement of claims. He would deem it necessary to resume the experts meeting between representatives of the Russian SCC, the ASMAP, the IRU and the new pool of insurers”.

8. The adopted report of the second session of the TIRExB is contained in document TIRExB/1999/7/Rev.1.

MONITORING OF THE PRICE OF TIR CARNETS

Documentation: Informal document No. 6.

9. Following the discussion on its first and second sessions (TIRExB/1999/2, para. 29; TIRExB/1999/7, para. 23), the TIRExB considered in detail information on the price of TIR Carnets furnished by the IRU in June 1999 (Informal document No.6).

10. The representative of the IRU informed the TIRExB that it was very difficult to give an overview of all components of the price of TIR Carnets and explained that the price of TIR Carnets consisted in principle of the insurance premium and various other components. The price of the TIR Carnet is approved yearly by the competent bodies of the IRU. The accounts of the IRU are in full line with the Swiss fiscal law.

11. He further pointed out that the price of TIR Carnets differed in various countries. This could be explained by the fact that national associations issued TIR Carnets at currency rates calculated on the basis of the price at which IRU distributed them to the associations. The difference in prices for TIR Carnets between the countries was therefore not a result of IRU's pricing policy, but due to for example membership fees policy, different levels of insurance, etc. calculated by the associations themselves. As a result the TIR Carnet issuing price provided in Informal document No 6 is not identical to the price asked by the national associations from the transport operators.

12. The TIRExB invited the IRU to keep it informed about any changes in the prices of TIR Carnets and requested the TIR Secretariat to continue its monitoring activities in this regard.

SETTLEMENT OF CUSTOMS CLAIMS AND POSSIBILITIES FOR IMPROVED GUARANTEE COVERAGE ON THE BASIS OF THE PRESENT COST STRUCTURE OF TIR CARNETS

Documentation: TIRExB/1999/7; TRANS/WP.30/R.195 and Corr.1.

13. With regard to the payment claims being considered in the arbitration process between the IRU and the old pool of insurers, the IRU informed the TIRExB that 5,800 claim cases had been presented, whereas 1,600 cases out of these 5,800 cases have already been withdrawn due to time expiry, payment effected by the consignee of the goods or the holder of the TIR Carnet or withdrawal of the relevant payment request by the administration itself.

14. In order to receive more detailed explanations concerning the state of the arbitration process, IRU proposed to invite the lawyer of IRU involved in the arbitration procedure to an informal meeting of the TIRExB. The TIRExB accepted this proposal and suggested that this meeting be held in Geneva on 21 October 1999. IRU expressed the point of view that the question of the old pool was not a matter of the competence of the TIRExB since all the problems relating to this question had occurred long before the establishment of the TIRExB. IRU expressed its wish that the proceedings of this meeting of the TIRExB should be kept confidential. The TIRExB agreed to this request.

15. With regard to the arbitration process between IRU and the old pool of insurers, the TIRExB expressed its concerns about relying on a single insurance contract. It was agreed that the risk for the payment of deferred Customs duties and taxes could not be shifted to the public domain and that other sources of guarantee than the present single insurance system might need to be conceived.

Various forms of guarantee, like drawing up a reserve fund or any other form of guarantee beside insurance facilities might be considered in this regard and analysed with respect to their availability and reliability within the framework of the guarantee chain as stipulated in the Convention. The TIRExB asked the TIR Secretariat to analyse these issues further and to prepare a document on these basic questions at one of the next sessions of the TIRExB.

MULTI-USER TRANSPORT OPERATIONS UNDER THE TIR REGIME

Documentation: TIRExB/1999/7; Draft of a Memorandum of Understanding (MoU) concerning “multi-user” TIR operations.

16. While considering a first draft of a possible Memorandum of Understanding (MoU), prepared by the TIR Secretary together with the Chairman of the TIRExB, following the request of the TIRExB at its second session (25 June 1999), concerns were expressed as to whether the form of such a MoU would be a proper instrument to solve the matter in question. It was agreed that recommendations in this respect should be in the form of a recommendation or resolution as such an instrument has already been used on several occasions to ensure the proper application of the TIR Convention.

17. The TIR Secretary pointed out that a recommendation could be drafted and possibly adopted by the TIR Administrative Committee which, once adopted, provided transparency about the allowance of multi-user transport operations. Such a recommendation could leave it up to the Contracting Parties to impose conditions and requirements as long as they were in line with the provisions and the spirit of the Convention.

18. The representative of the IRU expressed its reservations about the draft prepared by the TIR Secretary and the Chairman of the TIRExB mainly since it would lead to an official recognition that the TIR Convention might be applied “à la carte”. In his view, everything could be solved by eventually defining the term “TIR Holder” in the Convention, who should be the only responsible person for the whole TIR operation. The responsibility of the holder cannot be passed on to someone else.

19. It was also pointed out that there could be a legal problem since the term “subsequent transport operator” has not yet been defined clearly.

20. The TIRExB requested the TIR Secretariat to prepare, on behalf of the TIRExB, a draft recommendation on the validity of multi-user TIR operations that should be transmitted to the UN/ECE Working Party on Customs Questions affecting Transport (WP.30) as well as to the TIR Administrative Committee at its next sessions in October 1999 with a view to its adoption.

APPLICATION OF THE TIR REGIME ON THE EXTERNAL BORDER OF THE EUROPEAN COMMUNITY

21. The TIR Secretary informed the members of the TIRExB on the results of two technical visits undertaken in June and July 1999 to the external border of the European Community.

22. The TIRExB was informed that (most likely as of 1 February 2000) the German Customs administration would no longer allow for the opening of TIR transit operations at border Customs offices. Appropriate inland Customs offices will be ready for opening transit operations adequately. It was noted that any details (a list and map of all inland Customs offices, where transit operations can be opened together with the directive of the administration) concerning this matter will be provided in due time by the German Customs authorities to the TIR Secretariat for information to all concerned Parties.

FULL APPLICATION OF THE EDI CONTROL SYSTEM FOR TIR CARNETS AND POSSIBLE RECONCILIATION PROCEDURES

Documentation: Informal document No.5; TRANS/WP.30/1999/11.

23. The IRU informed the TIRExB about the present state of implementing the SAFETIR system.

24. The TIRExB agreed that the following proposals, made by the IRU, could complement the requirements contained in the Recommendation adopted on 20 October 1995 by the TIR Administrative Committee:

- introduction of an ideal procedure for requests for Reconciliation within each Contracting Party;
- harmonization in "reporting" of the termination of so-called partial and final TIR operations;
- harmonization of the recording of the names and codes of Customs offices in the country of destination.

APPLICATION OF THE TIR CONVENTION IN CASE THE FIRST PART OF A TRANSPORT OPERATION IS NOT MADE BY ROAD

Documentation: TIRExB/AGE/1999/3.

25. Following a request made by the Latvian Customs authorities the TIRExB considered how to implement the provisions of article 2 of the Convention if the first part of a transport operation is made by railway transport across one border and the final part of the journey is carried out by a road vehicle without crossing any borders. The question was whether there is a guarantee coverage for such a TIR operation if an infringement takes place during the railway leg and, thus, no part of the journey is made by a road vehicle.

26. The TIRExB recalled that, in accordance with explanatory note 0.2-2 (Annex 6) of the Convention, the liability of the guaranteeing association should remain in force even in the case when, due to unforeseen reasons of a commercial or accidental nature, no part of the journey can be made by road. The TIRExB was of the view that, in principle, the above should be valid if an infringement is committed during a non-road part of the journey but it could be concluded from the TIR Carnet and other documents that the transport operation should have been followed by the road leg.

27. The TIRExB decided to come back to this issue at its next session.

ACTIVITY REPORT OF THE TIRExB

Documentation: TRANS/WP.30/AC.2/1999/3.

28. The TIRExB considered and endorsed a short activity report prepared by the TIR Secretary. This report will be presented and supplemented by an oral report of the Chairman of the TIRExB at the forthcoming session of the TIR Administrative Committee.

BUDGET PROPOSAL AND COST PLAN FOR THE TIRExB AND THE TIR SECRETARIAT FOR THE YEAR 2000

Documentation: TRANS /WP.30/AC.2/1999/6; TRANS/WP.30/AC.2/1999/1;
TRANS/WP.30/AC.2/1999/5.

29. The TIRExB considered and approved the budget proposal and cost plan for its operation in the year 2000 as prepared by the TIR Secretary (TRANS /WP.30/AC.2/1999/5).

30. The representative of the IRU informed the TIRExB that it expects 2.2 million TIR Carnets to be issued in the year 2000.

31. In this context, the TIRExB also took note of a financial report prepared by the TIR Secretary covering the period 1 January 1999 to 31 July 1999. This report will also be transmitted for information to the TIR Administrative Committee at its October 1999 session (TRANS/WP.30/AC.2/1999/6) with a view to ensuring full transparency about the functions and the costs of the TIRExB.

OTHER MATTERS

(a) Transportation of humanitarian aid under cover of TIR Carnets

32. The TIRExB was informed that some guaranteeing associations refuse to guarantee transportation of humanitarian aid carried out under cover of TIR Carnets. The TIRExB agreed that these operations could be done under cover of TIR Carnets as soon as the TIR Carnet holder is authorized in accordance with Annex 9 of the TIR Convention.

(b) Transit of goods throughout the territory of the Federal Republic of Yugoslavia

33. The TIRExB was informed that the Hungarian Customs authorities refuse to accept TIR Carnets used in transit operations through the Federal Republic of Yugoslavia, in cases where the Customs authorities had affixed their own seals and sometimes mentioned this in the TIR Carnet, despite the fact that their status as a Contracting Party to the TIR Convention has not yet been clarified. In that case, the Hungarian Customs authorities refuse to accept the TIR Carnet. Instead, they inspect the goods and require the opening of a T-document.

34. On the basis of the information received by the IRU, the TIRExB felt that in such cases the TIR operation should be allowed to continue even if there are Customs seals of a non-Contracting Party on the load compartment. The goods could be checked, new seals could be affixed, but the transport operation should be allowed to continue with the same TIR Carnet. The TIR Secretariat was requested to contact the Hungarian Customs authorities in this request to enquire about this matter.

(c) Certificate of approval

35. The TIRExB was informed that it is not common practice in the Russian Federation that for vehicles imported from Western European countries together with a certificate of approval, a new certificate of approval is issued in the Russian Federation. The fact that there exist sometimes two certificates of approval for one truck, seems to be a result of misunderstandings on the side of the Russian approval authorities. The competent authorities in the Russian Federation had been requested to ensure that such occurrences are stopped.

DATE AND PLACE OF NEXT SESSION

36. The TIRExB decided to hold its next session on 21 October 1999 in Geneva.
