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## Economic Commission for Europe

### Administrative Committee for the TIR Convention, 1975

#### Sixty-sixth session

Geneva, 12 October 2017

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 seventy-second session of the TIR Executive Board**

### **I. Attendance**

1. The TIR Executive Board (TIRExB) held its seventy-second session on 15 May 2017 in Geneva.
2. The following members of TIRExB were present: Mr. S. Amelyanovich (Russian Federation), Mr. G. Andrieu (France), Mr. M. Ayati (Iran (Islamic Republic of)), Ms. D. Dirlik Songür (Turkey), Mr. S. Fedorov (Belarus), Ms. B. Gajda (Poland), Ms. L. Jelínková (European Commission), Mr. S. Somka (Ukraine) and Ms. E. Takova (Bulgaria).
3. The International Road Transport Union (IRU) attended the session as observer and was represented by Mr. Y. Guenkov.

### **II. Opening statement by Ms. Molnar, Director Sustainable Transport Division**

4. In her opening statement Ms. Eva Molnar, Director, Transport Division, United Nations Economic Commission for Europe (UNECE), congratulated the members of the Board on their election for the 2017-2018 term of office.
5. Ms. Molnar informed the Board that, on 27 April 2017, UNECE had decided to transmit to the United Nations Economic and Social Council (ECOSOC) a ministerial resolution (ECE/TRANS/2017/2, Annex) endorsed by the Inland Transport Committee (ITC) during its seventy-ninth annual session (21-24 February 2017), recommending that ITC should report annually to ECOSOC. Ms. Molnar explained that such reporting line would not change the organizational structure of the ECE secretariat nor have any budget implications. However, it would draw international attention to ITC as a body of global

importance that provided a platform where important inland transport issues could be addressed. In addition, it would constitute collective affirmation of the relevance of ITC for the development of international standards, furthering regulatory governance and thus the Sustainable Development Goals. In that light, Ms. Molnar asked the members of the Board to support the recommendation and liaise with their respective diplomatic services on the matter.

6. In addition, Ms. Molnar emphasized the importance of the computerization of the TIR procedure. She further informed the Board that, after the addition in 2016 of Ms. A. Gurates (Turkey), Ms. C. Gross (Germany) and Ms. A. Metzger (Russian Federation) had recently joined the TIR secretariat.

### **III. Adoption of the agenda (agenda item 1)**

*Documentation:* Informal document TIRExB/AGE/2017/72

7. TIRExB adopted the agenda of the session as contained in Informal document TIRExB/AGE/2017/72, with the addition that the issues raised in Informal document No. 10 (2016) by two national associations and the Executive Summary of the IRU external audit report would be discussed as a separate agenda item, following the discussions on the programme of work. TIRExB further decided to deal, at the present session, with agenda items 1-4, 5 (b), 6 and 12-17, leaving the other items for its seventy-third session (12 June 2017).

### **IV. Election of the Chairperson (agenda item 2)**

8. The Board recalled that, at the short meeting of the newly elected TIRExB on 16 February 2017, Ms. D. Dirlik Songür (Turkey) had been elected Chair for 2017.

### **V. Adoption of the report of the seventy-first session of TIRExB (agenda item 3)**

*Documentation:* Informal document TIRExB/REP/2017/71 draft with comments

9. The Board adopted the draft report of its seventy-first session (Informal document TIRExB/REP/2017/71draft with comments), subject to some minor amendments.

### **VI. Programme of work 2017-2018 (agenda item 4)**

*Documentation:* Informal document No. 6 (2017)

10. The Board considered Informal document No. 6 (2017), containing the draft programme of work for its 2017-2018 term of office. TIRExB was recalled of its mandate as an advisory body to the Administrative Committee (AC.2) and urged to discuss matters with an open mind, striving for consensus to provide AC.2 with expert advice.

11. In that light, the secretariat informed the Board that, for example, the currently discussed issue of subcontractors in intermodal TIR transports, had been addressed already forty years ago. In a report of 1978, the predecessor of the Working Party on Customs Questions affecting Transport (WP.30) had accepted, without any derogation or modification of the Convention or liabilities thereunder, the clarification by IRU that, where successive carriers took on liabilities of the carrier, only the holder of the TIR Carnet

was responsible under the TIR Convention and that information on successive carriers, referring to the commercial aspect of the transport, was put on the back of the counterfoils of the TIR Carnet (TRANS/GE.30/14, paras. 64-66).

12. With regard to activity 1 (Support the adaptation of the TIR procedure to modern business, logistics and transport requirements, including intermodal transport), the Board agreed to (a) include the words “and undertake any follow-up action if so requested by AC.2” at the end of bullet point 2; and (b) to delete the words “such as, but not limited to, the role of subcontractors” as redundant since already referred to under bullet point 3.

13. In response to a question on activity 5 (To promote the geographical expansion of the TIR system), the secretariat explained that the countries listed for promotional activities were those that had either recently acceded to the Convention or expressed an interest to do so in the near future.

14. With regard to activity 9 (To facilitate the exchange of information between competent authorities of Contracting Parties, national guaranteeing associations, IRU and other Governmental and non-governmental organizations. To coordinate and foster the exchange of intelligence and other information among competent authorities of Contracting Parties), Mr. S. Amelyanovich (Russian Federation) proposed to include the words “and also to include transparency of the activities of the international organization” at the end of bullet point 1, to seek increased transparency of IRU. In response, Ms. L. Jelínková (European Commission) voiced concerns that the inclusion of transparency in the programme of work might be premature in view of the proposal currently before AC.2 on audit requirements and possibilities for TIRExB to monitor activities of IRU. It was stated, however, that the list under activity 9 was sufficiently flexible to cover a future mandate by AC.2 on the matter. Mr. Amelyanovich reiterated his position that transparency should be reflected in the programme of work, since the Board was already engaged in looking at IRU activities at the previous and current sessions. In that light, the proposal was made to include a reference to “financial management” at the end of bullet points 1 and 3. Mr. S. Somka (Ukraine) cautioned the Board, since raising the level of transparency could imply that there was currently no transparency. Mr. S. Fedorov (Belarus) stated that the Board needed to take different opinions into consideration to provide an objective view and that the reference to transparency did not imply that there was a lack thereof since the transparency requirement would apply to all stakeholders in the guarantee chain. With regard to concerns expressed on the words “financial management”, it was proposed to refer to “financial statement”, a term used in Annex 9.

15. After discussion, the Board agreed to include (a) at the beginning of activity 9 the words “to increase transparency and”; (b) a second bullet point along the lines of “to improve transparency between all stakeholders by means of, but not limited to, monitoring IRU’s financial statement”; and (c) a reference to the ITDB in a similar manner as under activity 2.

16. With regard to activity 13 (To provide support on the application of specific provisions of the TIR Convention), the Board agreed that (a) bullet point 1 was to be understood to include the matter of increasing the guarantee level; (b) bullet point 2 should refer to the request “of AC.2” instead of “Working Party on Customs Questions affecting Transport (WP.30)” (ECE/TRANS/WP.30/AC.2/133, para. 21); (c) the word “optional” should be deleted in bullet point 3, since TIRExB had been mandated to formulate an Explanatory Note to Article 18 to accompany the original proposal as submitted by the delegation of Turkey (ECE/TRANS/WP.30/AC.2/133, para. 41 (e)); (d) the work on the Model Agreement should be added since work had already started on that matter; and (e) reference to proposals making use of the ITDB mandatory should be included.

17. With regard to the different levels of priority for the respective agenda items, the Board agreed, after discussion, to delete the reference to priority entirely, since all activities listed were equally important and the introductory paragraphs of the programme of work provided sufficient flexibility for the Board “to consider any unforeseen issue that might arise” (Informal document No. 6 (2017), para. 3).

18. Subject to the aforementioned changes (see paras. 12-17), the Board preliminarily adopted its draft programme of work and agreed to consider it in a revised form at its next session.

## **VII. Settlement of disputes between Contracting Parties, associations, insurance companies and international organizations (agenda item 8)**

*Documentation:* Informal document No. 10 (2017)

19. TIRExB considered a joint letter addressed to TIRExB and Ms. Molnar (UNECE) by two national associations as contained in Informal document No. 10 (2017). The letter asked for assistance to obtain certain information related to IRU, including a copy of the global insurance contract regarding the two national associations and a full copy of the IRU external audit report.

20. Further, the Board took note of the letter sent in response by Ms. Molnar (UNECE), also contained in Informal document No. 10 (2017), which referred, among others, to the responses provided by IRU during the session in February 2017 of WP.30 with regard to its external audit report (ECE/TRANS/WP.30/2017/11).

21. With regard to the request for a copy of the global insurance contract, the Board noted that it fell under Annex 9, Part III, paragraph 2 (a). Questions were raised as to the responsibilities of the international organization under that paragraph and UNECE’s role in the distribution of documents pertaining to the guarantee chain.

22. The secretariat clarified that AC.2, at its sixty-third session, had endorsed a checklist of documents that the international organization ought to provide in fulfilment of its obligations under Annex 9, Part III and that those documents be deposited with the TIR secretariat at UNECE (ECE/TRANS/WP.30/AC.2/129, para. 31). In addition, AC.2 had established a procedure whereby Contracting Parties could request copies of those documents through their permanent missions in Geneva (ECE/TRANS/WP.30/AC.2/129, Annex). Accordingly, the secretariat was mandated to distribute those documents only upon request by and to Contracting Parties. Furthermore, the secretariat noted that Annex 9, Part III, paragraph 2(a) appeared to stipulate that the international organization would have a responsibility to transmit the global insurance contract to its member associations. In response, Mr. Y. Guenkov (IRU) informed the Board that both associations had been provided with a copy of the global insurance contract according to the records of IRU.

23. After extensive discussions, TIRExB agreed to request (a) IRU to resend a copy of the global insurance contract to the two national associations; and (b) the two national associations to provide all documents to the Board to enable it to provide an informed response to the letter.

24. With regard to the matter of the recent allegations against IRU and its management, also included under the agenda item, the Board decided that it was not in a position to discuss the Executive Summary of the IRU external audit report due to lack of time and to discuss the matter at a future session subsequent to the consideration of the matter by

WP.30 at its June 2017 session. In addition, the Board requested the secretariat to make the Executive Summary available to the new members of the Board upon their request.

## **VIII. Application of specific provisions of the TIR Convention (agenda item 5)**

### **Consideration of amendment proposals**

#### **A. Proposals to introduce more flexibility in the guarantee system**

25. TIRExB decided to discuss the issue at its next session.

#### **B. Proposals to amend Article 18 with a new Explanatory Note**

*Documentation:* Informal document No. 7 (2017)

26. The Board recalled that AC.2 had requested TIRExB to commence considerations on a draft Explanatory Note to Article 18, to accompany the original proposal to increase the number of places of loading and unloading from four to eight and clarify its application.

27. Against that background, TIRExB considered Informal document No. 7 (2017), outlining initial considerations and a first draft proposal for a new Explanatory Note that would introduce, under certain conditions, the possibility for Contracting Parties to limit the number of places of loading and unloading on their territory. In the first instance, the Board considered that the formulation should be altered to clarify that any limitation would apply to all TIR operations on a given territory and not be applied on a case by case basis. Therefore, references to national processes, such as risk assessment, should be avoided. As a general observation, the Board agreed with the necessity to include a requirement for Contracting Parties to inform of any such limitations. Moreover, the Board acknowledged the relevance of Article 42**bis** in the consideration of the issue. Finally, some Board members highlighted that, in the interest of reaching consensus on the issue, the Explanatory Note should allow the optional application of the new maximum number of places of loading and unloading.

28. TIRExB was of the general view that a compromise could be found to accommodate the concerns raised by some Contracting Parties on the potential risks associated with an increased number of places of loading and unloading. To that effect, TIRExB requested the secretariat to revise the draft document pursuant to the aforementioned discussions (see para. 27 above) for the next session.

## **IX. Computerization of the TIR procedure (agenda item 6)**

### **A. Current status of the eTIR Project**

29. The Board took note that Step 2 of the UNECE-IRU eTIR pilot project between Iran (Islamic Republic of) and Turkey ended on 20 February 2017. UNECE and IRU prepared a final report of the project, which showed a high level of satisfaction and willingness to move further with the computerization of the TIR procedure. The Board also took note that the final report had been submitted to GE.1 for its consideration. The Board further noted that UNECE and IRU were currently preparing a new Memorandum of Understanding with the purpose to continue working jointly towards the computerization of the TIR procedure.

30. In addition, the Board took note of the progress achieved in the eTIR pilot between Georgia and Turkey, in particular the successful conduct of the tests to push information from the Central Exchange Platform to the Turkish customs ICT system.

31. Mr. Y. Guenkov (IRU) expressed the readiness of IRU to further cooperate with UNECE in the eTIR project and its satisfaction with the report on the Turkey-Iran pilot project. In addition, he reiterated the view of IRU to have a generic article to speed up the process of computerization.

32. The Board took note that the fourth session of the Expert Group on Legal Aspects of Computerization of the TIR Procedure (GE.2) and the twenty-sixth session of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) would take place, respectively, on 16-17 May 2017 and 18 and 19 May 2017.

## **B. International TIR Data Bank**

33. TIRExB was informed about the progress in implementing the new ITDB and the new ITDB web service. The secretariat informed TIRExB that the new ITDB had been launched on 9 May 2017 and was well received by the users: From 9 to 15 May 2017, the ITDB had already had 218 connected users from 22 Contracting Parties, compared to 157 connected users from 25 Contracting Parties in the old system from 1 January to 8 May 2017. TIRExB took note that the secretariat was working to solve minor technical issues which followed the launch of the new ITDB, such as messages not being received due to spam filters. With regard to web services, the secretariat informed that Finland was already connected and that France as well as Turkey were currently in the process of testing.

## **X. Adaptation of the TIR procedure to modern business, logistics and transport requirements (agenda item 7)**

### **Implementation of the intermodal aspects of the TIR procedure**

34. TIRExB decided to discuss the issue at its next session.

## **XI. Price of TIR Carnets (agenda item 9)**

*Documentation:* Informal document No.8 (2017), Informal document No.9 (2017)

35. The Board took note that the secretariat had received the 2017 TIR Carnet prices from 33 associations (compared to 51 in 2016). The Board also took note that no association had used the online survey to report their prices. The Board mandated the secretariat to send a reminder to those associations that had not replied yet (possibly with the assistance of IRU) and noted that the 2017 prices as well as the analysis of those prices would be submitted to a future session of the Board.

## **XII. Functioning of the TIR international guarantee system (agenda item 10)**

36. The Board approved the draft survey on customs claims for the period 2013-2016 (available in English, French and Russian) and requested the secretariat to distribute it to the competent authorities, with a deadline to reply before 15 October 2017.

### **XIII. Example agreement (agenda item 11)**

*Documentation:* Informal document No. 5 (2017)

37. TIRExB decided to discuss the issue at its next session.

### **XIV. Issues regarding the consecutive use of two TIR Carnets for a single TIR transport (agenda item 12)**

*Documentation:* Informal document No. 30 (2016)

38. The Board discussed Informal document No. 30 (2016) by the Government of Germany on the use of two TIR Carnets for one TIR transport.

39. The secretariat noted that the case seemed to be an attempt to increase the number of unloading points for a TIR transport under the limitations set in the Union Customs Code (UCC) of the European Union (EU), constituting a single customs territory, on the consecutive use of two TIR Carnets. The method chosen in the case, however, did not comply with the options provided in the comments to Article 18 of the TIR Convention. Furthermore, the secretariat noted that it could not be considered as a new option to increase loading and unloading points since (a) it did not comply with Article 17 that required the issuance of only one TIR Carnet per road vehicle or container; and (b) there was contradicting information on the TIR Carnet.

40. Mr. M. Ayati (Iran (Islamic Republic of)) stated that the case had been caused by mere human error according to his information. Mr. Y. Guenkov (IRU) observed that there might be a different problem in the case: There might have been two loading units and the registration was intended to be one for the vehicle and a separate one for the trailer and the semi-trailer. However, Mr. Y. Guenkov added that the information provided was not sufficient to make that assessment. Pursuant to those interventions, the Board noted that, as a temporary assessment, the use of TIR Carnets in the case was not fully in line with the Convention. However, the Board requested Mr. M. Ayati and Mr. Y. Guenkov to look further into the case and to provide the Board with additional information at its next session to enable it to reach an informed final decision.

### **XV. Problems reported by transport companies from the Republic of Moldova in Ukraine (agenda item 13)**

41. Mr. S. Somka (Ukraine) informed the Board that there had been no new developments with regard to the issue at hand.

### **XVI. Activities of the secretariat (agenda item 14)**

#### **General activities of the secretariat**

42. The Board was informed that, since its previous session, the TIR secretariat had participated in the following events: (a) Administrative Committee of the Customs Convention on Containers (Brussels, 27 and 28 February 2017); (b) High-Level Meeting for the Euro-Asia Region on Improving Cooperation on Transit, Trade Facilitation and the 2030 Agenda for Sustainable Development (Hanoi, 7-9 March 2017); (c) Seminar on the automation of transit procedures and electronic exchange of data in the context of trade facilitation (Istanbul, 19 and 20 April 2017); and (d) Workshop on the regional

computerized TIR corridor (Batumi, 11 and 12 May 2017). In addition, the Board was invited to attend the National TIR Seminar on the Control of Road Vehicles (Tashkent, 4 and 5 July 2017) jointly organized by the secretariat and the Customs Administration of the Republic of Uzbekistan.

**XVII. Other matters (agenda item 15)**

43. TIRExB did not consider any other matter.

**XVIII. Restriction in the distribution of documents (agenda item 16)**

44. TIRExB decided to keep Informal documents No. 30 (2016), No. 6, No. 7 and No. 10 (2017) issued in relation to the current session, restricted.

**XIX. Date and place of next session (agenda item 17)**

45. The Board decided to have its next session on 12 June 2017 in Geneva.

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