



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

TIR Executive Board (TIRExB)

**REPORT OF THE EIGHTH SESSION
OF THE TIR EXECUTIVE BOARD (TIRExB)**
(23 and 24 January 2001)

ATTENDANCE

1. The TIR Executive Board (TIRExB) held its eighth session on 23 and 24 January 2001 at Nuremberg (Germany).
2. The following members of the TIRExB were present: Mr. G.-H. Bauer (Switzerland); Mr. O. Beginin (Russian Federation); Mr. R. Ehmcke (Germany); Mrs. Y. Kasikçi (Turkey); Mr. Z. Lovric (Croatia); Mr. J. Marques (European Community); Mr. M. Olszewski (Poland); Mr. I. Parts (Estonia). Mr. O. Fedorov (Ukraine) 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 attended the session as observer 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 the session as prepared by the TIR Secretary (TIRExB/AGE/2001/8) with the addition of the following items:

Agenda item 12: Liability of the holder of a TIR Carnet in case of smuggling;
Validity of a comment adopted by the TIR Administrative Committee.

ELECTION OF A CHAIRMAN

7. In accordance with Annex 8, Article 11, paragraph 3 of the Convention, Mr. Rainer Ehmecke (Germany) was re-elected as Chairman.

ADOPTION OF THE REPORT OF THE SEVENTH SESSION OF THE TIRExB

Documentation: TIRExB/REP/2000/7 and Rev.1.

8. The TIRExB adopted the report of its seventh session as prepared by the TIR Secretary (TIRExB/REP/2000/7/Rev.1), subject to the following modification:

Paragraph 18

Modify the second sentence to read as follows:

"However, the TIRExB suggested that such a recommendation, if adopted by the Administrative Committee, should become applicable only after a certain transition period and should contain some precautions to avoid unjustified sanctions by competent authorities and delays at border crossings in case that ID-numbers are missing or applied improperly."

9. The revised report of the seventh session of the TIRExB is contained in document TIRExB/REP/2000/7/Rev.2.

TRANSMISSION OF LEGALLY REQUIRED DOCUMENTATION TO THE TIRExB

Documentation: Informal Document No. 1 (2001).

10. The TIRExB was informed by the TIR Secretary about the up-to-date situation with regard to the transmission of the legally required documentation (Informal Document No.1 (2001)). In particular, the number of persons authorized to use TIR Carnets as reported to the Board exceeded

31,000. The TIRExB also noted with interest that the number of TIR Carnets distributed by the IRU had reached 2,780,000 in the year 2000.

11. The TIRExB felt that the TIR databank maintained by the TIR secretariat should be continuously updated, especially in the light of its possible use as foreseen by paragraph 3 of the Recommendation on introduction of an identification number of the TIR Carnet holder in the TIR Carnet adopted by the TIR Administrative Committee on 20 October 2000. In this context, the Board stressed the importance of the full implementation by all Contracting Parties of the provisions of Annex 9, Part II, paragraphs 3 and 4 of the TIR Convention providing for the timely transmission to the TIRExB of updated information on TIR Carnet users.

12. The TIRExB also pointed out that all deposited insurance certificates stating the names of national guaranteeing associations - beneficiaries of the global insurance contract - had expired on 31 December 2000 and would need to be extended. The Board was of the view that the expiration of these certificates should not be regarded as a termination of the global contract and invited the IRU to provide further explanations with regard to the legal value of the insurance certificates.

MODEL OF AN AUTHORIZATION AGREEMENT

Documentation: TRANS/WP.30/AC.2/2001/2.

13. The TIRExB emphasized that an example of an authorization agreement between competent authorities and national guaranteeing associations would contribute to harmonization of the application of the TIR Convention at the national level and would be of particular importance for those countries that had only recently acceded to the Convention. Such an example should contain only basic provisions which are legally required by the Convention and, therefore, must be reflected in any legal instrument to be established in line with Annex 9, Part I, paragraph 1 (e) of the Convention.

14. From that angle the TIRExB continued consideration of an example of an authorization agreement on the basis of document TRANS/WP.30/AC.2/2001/2 prepared by the TIR Secretary and submitted to the thirtieth session of the TIR Administrative Committee (22-23 February 2001). The Board identified a number of issues which would need to be elaborated further and requested the TIR Secretary to modify the document accordingly, taking account of the comments made by TIRExB members.

15. The TIRExB decided to persist in the finalization of a model authorization agreement at its next sessions. The Board also felt that this document, once agreed upon by the TIRExB and approved by the TIR Administrative Committee, should be made available to all parties concerned. Meanwhile the Board requested its Chairman to inform the TIR Administrative Committee about its deliberations in this respect.

INSERTION OF AN IDENTIFICATION (ID) NUMBER OF THE HOLDER OF A TIR CARNET IN THE TIR CARNET AND USE OF THE TIR DATABANK

Documentation: TRANS/WP.30/AC.2/59, annex 2, TRANS/WP.30/AC.2/2000/8, Informal Document No. 2 (2001).

16. The Board took note that the TIR Administrative Committee, upon having been informed about the relevant considerations at the previous session of the TIRExB, adopted on 20 October 2000 with few modifications a draft recommendation on introduction of an identification number of the TIR Carnet holder in the TIR Carnet. The Recommendation, whose final text is contained in document TRANS/WP.30/AC.2/59, annex 2, will come into force on 1 April 2001.

17. In paragraph 3 of the above Recommendation, the TIR Secretary has been requested to elaborate adequate procedures and establish a mechanism for protected access to the TIR databank by competent authorities of Contracting Parties for approval by the Administrative Committee, following consideration by the TIRExB, at its autumn session in the year 2001 at the latest. In line with this request, the Board took note of Informal Document No.2 (2001) prepared by the TIR Secretary which contained a first outline of possible technical solutions and described briefly the data flow and required soft- and hardware components of the project.

18. The TIRExB was of the opinion that technical solutions should be inseparable from adequate administrative procedures in this field and requested the TIR Secretary to make proposals on the possible step-by-step use of the TIR databank, including a set of rules regarding the type of information to be released (white lists, etc.), authorized access, use of this information, timeliness of data, etc.

WRITTEN CONSULTATION PROCEDURE AMONG TIRExB MEMBERS: PENDING ISSUES

19. Not discussed due to lack of time.

APPROVED CUSTOMS OFFICES FOR TIR OPERATIONS

20. Not discussed due to lack of time.

POSSIBILITY OF GRANTING SPECIALLY AUTHORIZED CONSIGNEES AND CONSIGNORS PERMISSION TO TERMINATE AND TO OPEN TIR OPERATIONS AT THEIR PREMISES

Documentation: TIRExB/AGE/2001/8.

21. The TIRExB took note that such a possibility was provided in some national and international Customs transit procedures, for instance, in the Community Transit regime, but not in the TIR Convention. Such a possibility allowed for simplified administrative procedures and would be to the benefit of the transport industry.

22. However, it was pointed out that this issue was closely linked to the different responsibilities and obligations under the TIR Convention of all actors involved in TIR operations. A further analysis would be needed to consider all pros and cons of the issue. Therefore, the TIR Secretary was requested to prepare, in consultation with the IRU, a relevant document for consideration by the TIRExB at one of its next sessions.

RE-INTRODUCTION OF INSURANCE COVERAGE FOR SENSITIVE GOODS ON THE TERRITORY OF THE EU

Documentation: Informal Document No.4 (2001).

23. The TIRExB was informed about a joint meeting of the Customs and guaranteeing associations of the Common Transit countries and the IRU on 28 November 2000 in Brussels where the IRU presented measures which would allow the re-introduction of the guarantee coverage for transport of sensitive goods under the cover of TIR Carnets within the European Community (Informal Document No. 4). The proposals included, *inter alia*, additional procedures to be executed by Customs authorities. It was also proposed that these measures should be extended to all Contracting Parties to the TIR Convention.

24. Welcoming in principle the efforts undertaken by the European Community and the IRU in order to re-establish guarantee coverage for sensitive goods within the TIR procedure, the TIRExB noticed that the proposed measures could affect countries outside the EU and thus would need to be discussed by the Working Party on Customs Questions affecting Transport (WP.30) and/or the TIR Administrative Committee. Moreover, the concern was expressed that these measures might not be in line with the provisions of the Convention and could become a dangerous precedent for the smooth functioning of the TIR regime.

ACTIVITIES OF THE TIR SECRETARIAT

Documentation: TRANS/WP.30/AC.2/2001/4.

25. The TIRExB took note of the results of a Regional TIR Seminar that was held in Amman (Jordan) on 31 October and 1 November 2000 (TRANS/WP.30/AC.2/2001/4).

PRIORITY ITEMS FOR CONSIDERATION AND RESOLUTION BY THE TIRExB IN 2001

Documentation: TIRExB/REP/2000/5.

26. Having reviewed the programme of work for 2000 (TIRExB/REP/2000/5, para. 9), the TIRExB decided to keep it for the year 2001 with the inclusion of the following new item: "Preparation of an example of a TIR Carnet duly filled-in".

LIABILITY OF THE HOLDER OF A TIR CARNET IN CASE OF SMUGGLING

27. Not discussed due to lack of time.

VALIDITY OF A COMMENT ADOPTED BY THE TIR ADMINISTRATIVE COMMITTEE.

28. Mr. I. Parts pointed out that a comment to Article 3 of the TIR Convention adopted by the TIR Administrative Committee on 20 October 2000 (TRANS/WP.30/AC.2/59, annex 6) might be considered as being in contradiction to some other provisions of the Convention and thus would need to be revised. Mr. Parts was invited to transmit his views to the forthcoming session of the TIR Administrative Committee (22-23 February 2001) for consideration.

OTHER MATTERS

29. The TIRExB expressed its appreciation to the Ministry of Finance of Germany and to the Oberfinanzdirektion Nürnberg for excellent organization of the session and the hospitality extended to all participants.

DATE AND PLACE OF NEXT SESSION

30. The TIRExB decided to hold the ninth session of the Board in Geneva on 23 February 2001, immediately after a new composition of the TIRExB would be elected at the thirtieth session of the TIR Administrative Committee (22 February 2001).
