

**TIR EXECUTIVE BOARD (TIRExB)**

**COMMISSION DE CONTROLE TIR (TIRExB)**

**ИСПОЛНИТЕЛЬНЫЙ СОВЕТ МДП (TIRExB)**



Restricted

TIRExB/1999/7/Rev.1<sup>\*/</sup>

23 September 1999

ENGLISH and  
RUSSIAN ONLY

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

**TIR Executive Board (TIRExB)**

**REPORT OF THE SECOND SESSION  
OF THE TIR EXECUTIVE BOARD (TIRExB)**

(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. 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 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.

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<sup>\*/</sup> The present document contains the report of the second session of the TIRExB adopted by at its third session on 22 September 1999. Thus this document replaces the earlier version contained in TIRExB/1999/7.

## **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 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 consider 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 may wish to resume the above actions with the view not to miss 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 to negotiate 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 consider 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 SCC, the 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 to not only collect such information, but also to analyse 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.

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