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ECONOMIC COMMISSION FOR EUROPE

Administrative Committee for the TIR Convention, 1975

(Thirty-seventh session, 14-15 October 2004,
agenda item 7)

**FUNCTIONS AND ROLES OF THE TIREXB,
THE TIR SECRETARIAT AND THE IRU^{*/}**

Proposals for modification of the Terms of Reference of the TIRExB

Note by the secretariat

A. BACKGROUND

1. The Administrative Committee, at its thirty-sixth session, considered document TRANS/WP.30/AC.2/2003/11, prepared at the request of the Working Party (WP.30), containing the views of the Chairman of WP.30 on the roles and responsibilities of the parties involved in the TIR system. The Administrative Committee requested the secretariat to prepare a document for the UNECE Working Party WP.30 containing proposals for the inclusion of parts C, D, E and F of document TRANS/WP.30/AC.2/2003/11 into point 1.9 of the introduction to the TIR Handbook (TRANS/WP.30/AC.2/71, paras. 55-57).

2. The Working Party, at its one-hundred-and-seventh session, considered document TRANS/WP.30/2004/16, prepared by the secretariat, which contained the elements to be included into point 1.9 of the introduction of the TIR Handbook concerning the roles and

^{*/} The UNECE Transport Division has submitted the present document after the official documentation deadline due to resource constraints.

responsibilities of the national guaranteeing associations, the international organization, the TIRExB and the TIR secretariat. At the same time, the Working Party considered informal document No. 3 (2004), prepared by the secretariat, containing proposals for the inclusion of new elements to the Terms of Reference and the Rules of Procedure of the TIR Executive Board based on the proposals included in document TRANS/WP.30/AC.2/2003/11 prepared by the Chairman of the Working Party. When considering the elements to be included in the introduction to the TIR Handbook, the secretariat had discovered a number of points concerning the TIRExB, which it believed did not fit into the TIR Handbook. Instead, it seemed relevant to include these elements into the Terms of Reference and the Rules of Procedure of the TIRExB. The Working Party agreed with the proposals and requested the secretariat to prepare these proposals for adoption by the TIR Administrative Committee and the TIRExB, respectively, according to the provisions governing the TIRExB (TRANS/WP.30/214, paras. 44 and 45).

B. PROPOSAL FOR MODIFICATION OF THE TERMS OF REFERENCE

3. The secretariat proposes to add a new paragraph 2 bis to read as follows:

"2 bis. Regarding the status of TIRExB decisions, the TIRExB shall, out of necessity, give its opinion on how the TIR Convention should be applied and provide for an interpretation of the Convention. However, the TIRExB cannot give legally binding interpretations of the Convention. Accordingly, TIRExB can only make recommendations (for change) or give its opinion. While the TIRExB gives its views on a dispute, it has no arbitration role. It shall avoid intervening in matters that are subject to the judicial process at national courts."

4. The Committee may wish to discuss the above proposal with a view to its possible approval.
