

G4015

Istanbul, 28 March 2014

25th MEETING OF THE BSEC-URTA GENERAL ASSEMBLY

International Conference Centre Geneva (CICG)
Level -1, Room 18
Geneva-Switzerland
Wednesday, 2 March 2014, at 16:00 hrs

STATE OF AFFAIRS REGARDING THE IMPLEMENTATION OF THE TIR CONVENTION IN THE RUSSIAN FEDERATION

During their last sessions in the beginning of February 2014, the UN TIR Bodies have reconfirmed that actions taken by the FCS RF are in breach of the TIR Convention, and requested the Russian Federation to abandon its restrictive measures.

Following the decisions taken by the IRU Presidential Executive during its meeting on 14 February 2014, numerous actions have been taken by the IRU Secretariat.

a) Letters and contacts with Russian government

Letters were addressed to the President of Russia Mr Vladimir Putin, as well as to all competent Ministries, clearly mentioning the risk for the TIR coverage to be withdrawn if no decisive action is taken to re-authorise TIR soon. Although there has been no official formal reply to IRU letters, on 6 March 2014, First Deputy Prime Minister Mr Igor Shuvalov issued an order, requesting the Ministry of Transport of Russia to actively engage in this matter and to coordinate the actions in response to the IRU letters.

The IRU Secretariat also intensified direct consultations with key Russian authorities. During the 3 missions IRU had in Moscow over the past month, various Ministries accepted meeting the IRU to discuss the situation openly, in particular the Ministry of Economy, the Ministry of Finance, the Federal Anti-Monopoly Service and, of course, the Ministry of Transport. The IRU is engaged in particularly intense contact with the Ministry of Transport to ensure that the tender procedure undertaken by the Russian Government is in line with the TIR Convention. All of the Ministries have confirmed their support of the TIR Convention and to the smooth continuation of the TIR System after 1 July.

Currently, the IRU expects confirmation of a trilateral meeting to take place asap between the FCS RF, the Ministry of Transport and IRU, during which a concrete decision hopefully will be obtained in favour of TIR.

b) Audit of ASMAP

On 27 March 2014, the audit of ASMAP has been successfully completed by three Senior Auditors from PriceWaterhouseCoopers together with the IRU Audit Commission.

The auditors concluded that ASMAP, as an issuing and guaranteeing association according to the TIR Convention on the territory of the Russian Federation, fully complies with the requirements of Annex 9 Part I to the TIR Convention 1975. Furthermore, the procedures and organisation put in place by ASMAP are compliant with the current provisions of the TIR Convention, as well as rules and regulations of the IRU. Finally, ASMAP is also compliant with its obligations vis à vis the FCS RF according to the currently applicable Guarantee Agreement.

The results of this audit may be of importance in the framework of the tender procedure undertaken by the Russian authorities.

c) Alleged “Old TIR Russian debt”

On 3 of March 2014, all relevant documents confirming absence of the alleged old TIR debt were released by the IRU.

The documents have been published, following the Moscow Arbitration Court decision dated 13 February 2014, which confirmed the inconsistency and defamatory nature of numerous statements made by the FCS RF regarding alleged old TIR debts, in court case number A40-134939/13.

All documents are publicly available at a Swiss law firm in Geneva (CMS Von Erlach Poncet), and have been consulted by the UNECE, which appreciated the transparency shown by the IRU.

d) Studies to assess the economic losses resulting from the FCS RF’s illegal measures

The IRU obtained four studies undertaken by the independent experts, notably the Copenhagen Economics Institute, the Russian Higher School of Economics, NII TK in Kazakhstan and BelNIIT TRANSTECHNIKA in Belarus. The studies confirm considerable economic losses due to the non-application of the TIR System in amount of at least of 2.2 billion USD per year. The results of these studies were presented by the IRU during Press Conference in Moscow on 26 March 2014.

e) Legal actions

IRU has also intensified legal actions.

On 24 February 2014 the Supreme Arbitration Court of Russia once more issued a judgement in favour of ASMAP declaring the decisions of the FCS RF introducing TIR restrictions as invalid (case number BAC-17458/2013).

Unfortunately, the FCS RF continues its actions, having issued an Order № 58-p dated 18 February 2014 which maintains FCS RF restrictions with regard to the TIR System. This latest FCS RF Order has been once again contested in front of the Supreme Arbitration Court of Russia.

f) Reimbursement of the TIR Carnets illegally refused by Russian customs

IRU continues to reimburse total cost of the TIR Carnets illegally refused by Russian Customs and to assist operators in any way possible in their legal actions against the FCS RF. The IRU has also accepted extraordinary measures for Associations having financial difficulties due to the impossibility of using TIR in Russia.

The current situation with regard to the TIR in Russia will be discussed and the next steps will be decided during the forthcoming IRU Statutory meetings to take place in Geneva from 2 to 4 April 2014.
