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Geneva, 9 November 2007

IRU RESOLUTION CONCERNING THE TIR SYSTEM IN THE KYRGYZ REPUBLIC

*unanimously adopted by the IRU General Assembly in Geneva on
9 November 2007*

IRU Resolution on the functioning of the TIR system in the Kyrgyz Republic, unanimously adopted by the IRU General Assembly in Geneva on 9 November 2007

Since the year 2000, the role of TIR issuing and guaranteeing Association, by virtue of Article 6 of the TIR Convention, has been successfully carried out in the Kyrgyz Republic by the IRU Member Association KYRGYZ AIA, under the leadership of its Secretary General, Mr Faizulla H Khalmurzaev. Since that time, as confirmed by the IRU's own internal audit, the TIR activities of KYRGYZ AIA have been developed successfully under the closed monitoring of the IRU Audit Commission, to its satisfaction.

Indeed, the commitment of the Association and of its legitimate management to the implementation of the TIR System has led to a gradual and safe increase of the number of TIR Carnets issued, from 550 in 2001, to 11,450 in the year 2006 and 16,000 expected in 2007, to the satisfaction of the IRU.

In fact, since the year 2000, more than 40,000 TIR Carnets, bearing the signature of the Secretary General of KYRGYZ AIA have been regularly accepted and properly terminated by the concerned Customs authorities in the 56 TIR operational Contracting Parties.

However, despite the good management and the successful achievement realised by Mr Khalmurzaev, the KYRGYZ AIA and its Secretary General have been subjected to numerous audits by Kyrgyz customs officers in November 2005, the audit procedure lasting for more than one month and again in July 2007 for the same period of one month, with the consequence that during this time the activities of the Association were completely paralysed.

These repeated, long-lasting audits by Kyrgyz Customs created not only an unjustified mistrust between the Kyrgyz Customs and the Secretary General, but also an unacceptable interference of the public authorities in the management of the Association, which put under question, without any reason, not only the legitimacy of the TIR activities by the Kyrgyz AIA but also its management. It is even more preoccupying that the same type of audit is scheduled again for the beginning of 2008.

In this framework, while the right of Customs authorities to undertake appropriate controls according to Annex 9 of the TIR Convention is fully recognised, the permanent harassment resulting from the repeated long-lasting audit procedures realised without any justification impedes the credibility, the statutory and the day-to-day TIR activities of KYRGYZ AIA.

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Based on the above and in order to ensure the continued acceptance of TIR Carnets issued by KYRGYZ AIA, the IRU Members of the region were preoccupied by this situation and have requested the IRU Secretary General to put an end to this situation. Therefore, the General Assembly is asked to provide the following support and instruction to the Secretariat General:

- **To undertake the appropriate actions vis-à-vis the highest Kyrgyz competent authorities to ensure that the nomination or the replacement of the statutory management of an Association remains of the sole and independent decision of the statutory bodies of the Association without any direct or indirect interference by public authorities.**
- **To obtain from the highest authorities in the Kyrgyz Republic the immediate termination of the interference by some representatives of the State Customs Committee of the Kyrgyz Republic in the statutory day-to-day activities of KYRGYZ AIA and its legitimate management.**
- **To obtain the establishment of true cooperation between the IRU, the legitimate management of KYRGYZ AIA and the Kyrgyz Customs Authorities in order to ensure the continuation and development of TIR activities in the Kyrgyz Republic, in a true public-private partnership.**
