

By email and post

Mr José Manuel Barroso
President of the European Commission
1049 - BRUSSELS
Belgium

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Geneva, 11 November 2013

URGENT AND IMPORTANT

Russian Customs' continued disregard for international and national law

Dear Mr Barroso,

I have been mandated by the IRU General Assembly, which met on 8 November 2013, to convey to you the IRU Members' increasingly grave concern regarding the Russian government's current inaction vis-à-vis its Customs authorities' continued and blatant disregard for international and national Russian law. The IRU must now implore you to intervene directly with the Russian President, H.E. Mr Vladimir Putin, to avoid a chaotic and extremely costly disruption of EU-Russian trade.

As you may have been briefed, the competent United Nations bodies have deemed that the unilateral introduction by the Federal Customs Service of Russia (FCS RF) of restrictive measures on transport movements are in breach of the UN TIR Convention on five counts, and hence in breach of international law.

You must surely also share the view that respect of international law is fundamental not only for ensuring effective and efficient trade operations, but also for maintaining peace and security, as the Russian Federation knows full well in its capacity as a permanent member of the United Nations Security Council.

Moreover, the FCS RF is blatantly ignoring the legally-binding decision rendered by the Supreme Arbitration Court of Russia on 14 October 2013 which judged as illegal the FCS RF decisions leading to the restrictive measures.

Despite these unequivocal international and national rulings, the FCS RF continues, in complete impunity and defiance of the UN and its national judicial system, to implement, slowly but surely, the extension of its illegal restrictions, which in a few days' time will affect all Russian territory and, more significantly, all EU countries bordering Russia.

IRU Members are fully aware of and very much appreciate the actions already taken by the EU Commission, and in particular by Commissioner Algirdas Šemeta, since the first FCS RF unilateral decision was taken in July 2013, in order to obtain the effective withdrawal of the illegal measures being implemented by the FCS RF.

Unfortunately, despite the many concerted efforts of the international community and of Russian and European traders, the FCS RF continues to act illegally, without any reaction from the Russian government.

In addition, all attempts by the IRU and its Russian authorised TIR guaranteeing association, ASMAP, to find a constructive solution have been met with deafening silence from the FCS RF. Indeed, ASMAP has proposed constructive, viable solutions to effectively address the FCS RF's concerns through a new TIR Guarantee Agreement which would allow the TIR System to continue to function, without interruption, after 1 December 2013. Most regrettably, since 24 October 2013, the FCS RF has failed to respond to this genuine effort to find a compromise solution within the framework of the UN TIR Convention.

I am equally obliged to bring to your attention the fact that already today numerous costly, practical problems are being encountered by EU road transport operators at various Russian customs offices where TIR Carnets are illegally being rejected outright, consequently forcing road transport companies to purchase Russian national guarantees at a cost of up to EUR 1,000 per trip even though they provide no security for the operators.

It is evident that the situation will deteriorate to unmanageable and even unthinkable levels for all EU operators in the coming days as this illegal decision will, as announced, be extended to the EU borders over the period from 12 to 19 November 2013.

I am compelled to inform you that if a solution is not found before 1 December 2013, the damage to EU trade will be very real and very high as more than 40%, or EUR 100 billion, of EU trade with Russia is currently carried annually by SMEs under the fully secure TIR System at only a fraction of the price of the additional but unnecessary national guarantees.

In light of the above, not only do all IRU EU Members, but all IRU Members from 75 countries implore you to urgently intervene personally vis-à-vis the Russian President and urge him, in the interest of preserving lawful behaviour as well as EU-Russian trade, to instruct the FCS RF to withdraw all illegal measures with immediate effect and restore the proper and legal functioning of the TIR System in Russia.

Thank you in advance for your urgent attention to this pressing matter. I remain at the full disposal of the European Commission to provide any further clarification as needed.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Janusz Lacny', written over a faint, stylized graphic element that resembles a signature or a logo.

Janusz Lacny
IRU President

cc: Mr Siim Kallas, Vice President and Commissioner in charge of Transport
Mr Algirdas Šemeta, Commissioner for Taxation