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ECONOMIC COMMISSION FOR EUROPE

Administrative Committee for the TIR Convention, 1975
(Thirtieth session, 22 and 23 February 2001,
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AMENDMENT PROPOSALS TO THE TIR CONVENTION, 1975

Adopted by the TIR Administrative Committee on 20 October 2000

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**AMENDMENT PROPOSALS TO THE TIR CONVENTION, 1975
(Phase II of the TIR revision process)**

Article 1, paragraph (a)

Replace the words “TIR operation” by “TIR transport”.

Delete inverted commas around the words “TIR procedure” (English and French only).

Article 1, paragraphs (b) to (e)

Existing paragraphs (b) to (e) are to be re-numbered and become (f) to (j).

Article 1, new paragraphs (b) to (e)

Add the following new paragraphs:

“(b) the term “TIR operation” shall mean the part of a TIR transport that is carried out in a Contracting Party from a Customs office of departure or entry (en route) to a Customs office of destination or exit (en route);

(c) the term “start of a TIR operation” shall mean that the road vehicle, the combination of vehicles or the container have been presented for purposes of control to the Customs office of departure or of entry (en route) together with the load and the TIR Carnet relating thereto and that the TIR Carnet has been accepted by the Customs office;

(d) the term “termination of a TIR operation” shall mean that the road vehicle, the combination of vehicles or the container have been presented for purposes of control to the Customs office of destination or of exit (en route) together with the load and the TIR Carnet relating thereto;

(e) the term “discharge of a TIR operation” shall mean the recognition by Customs authorities that the TIR operation has been terminated correctly in a Contracting Party. This is established by the Customs authorities on the basis of a comparison of the data or information available at the Customs office of destination or exit (en route) and that available at the Customs office of departure or entry (en route);”

Article 1, paragraphs (f) to (j)

Existing paragraphs (f) to (j) are to be re-numbered and become (k) to (n).

Modify the following new paragraphs (k) to (m) to read as follows:

“(k) the term “Customs office of departure” shall mean any Customs office of a Contracting Party where the TIR transport of a load or part load of goods begins;

(l) the term “Customs office of destination” shall mean any Customs office of a Contracting Party where the TIR transport of a load or part load of goods ends;

(m) the term “Customs office en route” shall mean any Customs office of a Contracting Party through which a road vehicle, combination of vehicles or container enters or leaves this Contracting Party in the course of a TIR transport;”

Article 1, paragraphs (k) and (l)

Existing paragraphs (k) and (l) are to be re-numbered and become (p) and (q).

Article 1, new paragraph (o)

Add the following new paragraph:

“(o) the term “holder” of a TIR Carnet shall mean the person to whom a TIR Carnet has been issued in accordance with the relevant provisions of the Convention and on whose behalf a Customs declaration has been made in the form of a TIR Carnet indicating a wish to place goods under the TIR procedure at the Customs office of departure. He shall be responsible for presentation of the road vehicle, the combination of vehicles or the container together with the load and the TIR Carnet relating thereto at the Customs office of departure, the Customs office en route and the Customs office of destination and for due observance of the other relevant provisions of the Convention;”

Article 2

Replace the words “TIR operation” by “TIR transport”.

Article 2 (French only)

Replace the words “début du transport TIR” by “commencement du transport TIR”.

Article 6, new paragraph 2 bis

Add the following new paragraph:

“2 bis. An international organization, as referred to in paragraph 2, shall be authorized by the Administrative Committee to take on responsibility for the effective organization and functioning of an international guarantee system provided that it accepts this responsibility.”

Article 8, paragraph 4

Replace twice in the second sentence the words “TIR operation” by “TIR transport”.

Article 8, paragraph 4 (English and French only)

Replace in the second sentence the words “when the goods are imported” by “when the goods enter these countries”.

Article 10, paragraph 1

Replace the text of the paragraph by the following text:

“1. Discharge of a TIR operation has to take place without delay.”

Article 10, paragraph 2

Modify paragraph 2 to read as follows:

“2. When the Customs authorities of a country have discharged a TIR operation they can no longer claim from the guaranteeing association payment of the sums mentioned in Article 8, paragraphs 1 and 2, unless the certificate of termination of the TIR operation was obtained in an improper or fraudulent manner or no termination has taken place.”

Article 11, paragraph 1

Modify the beginning of the first sentence to read as follows:

“1. Where a TIR operation has not been discharged, the competent authorities ...”.

Delete at the end of the first sentence the wording “or conditional discharge”.

Replace in the second sentence the words “certificate of discharge” by “certificate of termination of the TIR operation”.

Article 11, paragraph 2

Modify the first sentence to read as follows:

“2. The claim for payment of the sums referred to in Article 8, paragraphs 1 and 2 shall be made to the guaranteeing association at the earliest three months after the date on which the association was informed that the TIR operation had not been discharged or that the certificate of termination of the TIR operation had been obtained in an improper or fraudulent manner and at the latest not more than two years after that date.”

Article 11, paragraph 3 (Russian only)

In the second sentence replace the words “таможенным органам будут представлены убедительные доказательства того, что” by “к удовлетворению таможенных органов будет установлено, что”.

Article 16

In the first sentence replace the words “TIR operation” by “TIR transport”.

Article 17, paragraph 1 (Russian only)

In the third sentence replace the words “должно указываться” by “должно указываться

отдельно”.

Article 17, paragraph 2

Modify paragraph 2 to read as follows:

“2. The TIR Carnet shall be valid for one journey only. It shall contain at least the number of detachable vouchers which are necessary for the TIR transport in question.”

Article 18

In the first sentence replace the words “TIR operation” by “TIR transport”.

Article 26, paragraph 1

In the first and second sentences replace the words “TIR operation” by “TIR transport”.

Article 26, paragraph 2 (Russian only)

Replace the words “владельцем книжки” by “держателем книжки”.

Article 26, paragraph 3

Replace the words “TIR operation” by the words “TIR transport”.

Article 28

Replace the existing text by the following text:

“1. Termination of a TIR operation shall be certified by the Customs authorities without delay. Termination of a TIR operation may be certified without or with reservation: where termination is certified with reservation this shall be on account of facts connected with the TIR operation itself. These facts shall be clearly indicated in the TIR Carnet.

2. In cases where the goods are placed under another Customs procedure or another system of Customs control, all irregularities that may be committed under that other Customs procedure or system of Customs control shall not be attributed to the TIR Carnet holder as such or any person acting on his behalf.”

Article 29, paragraph 1

Replace the words “Article 1, subparagraph (k)” by “Article 1, subparagraph (p)”.

Article 39, paragraph 2 (Russian only)

Replace the words “владельцем книжки МДП” by “держателем книжки МДП”.

Article 40

Replace the words “TIR operation” by “TIR transport”.

Article 40 (French only)

Replace the words “du pays de départ” by “des pays de départ”.

Article 40 (Russian only)

Replace the words “владельца книжки МДП” by “держателя книжки МДП”.

Replace the words “владелец указанной книжки” by “держатель указанной книжки”.

Article 42 (English and French only)

Replace the words “TIR operation” by “TIR transport”.

Article 42 (Russian only)

Replace the words “Договаривающихся сторон, заинтересованных в данной операции МДП” by “Договаривающихся сторон, имеющих отношение к данной перевозке МДП”.

Annex 1 to the Convention

Model of TIR Carnet, Version 1 and Version 2

Replace in box 6 on page 1 of the cover the words “Country of departure” by “Country/countries of departure” (English and Russian only).

Replace in box 5 on all vouchers the words “Country of departure” by “Country/countries of departure” (English and Russian only).

Replace in box 24 on voucher No.2 the words “Certificate of discharge” by “Certificate of termination of the TIR operation”.

Modify in box 26 on voucher No.2 the words “Number of packages discharged” by “Number of packages for which the termination of the TIR operation is certified”.

Modify under item 3 on the counterfoil No. 2 the words “Discharged packages or articles (as specified in the manifest)” by “Number of packages for which the termination of the TIR operation is certified (as specified in the manifest)”.

Replace in No. 2 of the Rules regarding the use of the TIR Carnet the words “TIR operations” by “TIR transports”.

Replace in No. 3 of the Rules regarding the use of the TIR Carnet the words “TIR operation” by “TIR transport”.

Annex 6, Explanatory Notes 0.1 (b), 0.1 (e) and 0.1 (e) (i)

Renumber existing Explanatory Notes 0.1 (b), 0.1 (e) and 0.1 (e) (i) to become Explanatory Notes 0.1 (f), 0.1 (j) and 0.1 (j) (i), respectively.

Annex 6, new Explanatory Note 0.1 (f)

Replace the words “Article 1, subparagraph (b)” by “Article 1, subparagraph (f)”.

Annex 6, new Explanatory Note 0.1 (f) (Russian only)

In the second sentence replace the words “налог на экспортные товары” by “налог на экспортные или импортные товары”.

Annex 6, new Explanatory Note 0.1 (j) (i)

Replace the words “Article 1, subparagraph (e) (i)” by “Article 1, subparagraph (j) (i)”.

Annex 6, Explanatory Note 0.2-2

In the second sentence replace the words “TIR operation” by “TIR transport”.

Annex 6, Explanatory Note 0.2-2 (French only)

Replace the words “début du transport” by “commencement du transport”.

Annex 6, new Explanatory Note 0.6.2 bis

Add a new Explanatory Note to Article 6, new paragraph 2 bis to read as follows:

“0.6.2 bis. The relationship between an international organization and its member associations shall be defined in written agreements on the functioning of the international guarantee system.”

Annex 6, Explanatory Note 0.8.6-2 (Russian only)

Replace the words “грузов, заявленных в книжке МДП” by “категории грузов, заявленных в книжке МДП”.

Annex 6, new Explanatory Note 0.8.7

Add a new Explanatory Note to Article 8, paragraph 7 to read as follows:

“0.8.7 Measures to be taken by the competent authorities in order to require payment from the person or persons directly liable shall include at least notification of the non-discharge of the TIR operation and/or transmission of the claim for payment to the TIR Carnet holder.”

Annex 6, Explanatory Note 0.10

Replace the words “certificate of discharge of the TIR Carnet” by “certificate of termination of the TIR operation”.

Annex 6, Explanatory Note 0.10 (French only)

Add, at the end of the sentence, the word “etc,” after “de scellements douaniers,”.

At the beginning of the sentence, replace the words “avoir été obtenu” by “ayant été obtenu”.

At the end of the sentence, replace the words “a été obtenu” by “aura été obtenu”.

Annex 6, Explanatory Notes 0.11-1 and 0.11-2

Renumber existing Explanatory Notes 0.11-1 and 0.11-2 to become Explanatory Notes 0.11-2 and 0.11-3 respectively.

Annex 6, new Explanatory Note 0.11-1

Add a new Explanatory Note to Article 11, paragraph 1 to read as follows:

“0.11-1 In addition to the notification to the guaranteeing association, Customs authorities should also notify the TIR Carnet holder as soon as possible when a TIR operation has not been discharged. This could be done at the same time as the notification to the guaranteeing association.”

Annex 6, new Explanatory Note 0.11-2 (French only)

At the beginning of the sentence, replace the words “les véhicules” by “le véhicule”.

Annex 6, new Explanatory Note 0.11-2 (Russian only)

Replace the words “владельца книжки МДП” by “держателя книжки МДП”.

Annex 6, Explanatory Note 0.19 (Russian only)

In the first sentence replace the words “проверку груза” by “досмотр груза”.

In the second sentence replace the words “состояние брезента и приспособлений для закрывания” by “состояние брезента и его креплений”.

Annex 6, Explanatory Note 0.21-1 (English only)

Replace the words “other than” by “in addition to”.

Annex 6, Explanatory Note 0.21-1 (French only)

Replace the words “autres que” by “ainsi que”.

Annex 6, Explanatory Note 0.28

Delete paragraph 1 of Explanatory Note 0.28.

Delete the third sentence in paragraph 2 of Explanatory Note 0.28 as well as the paragraph number.

Delete the third (unnumbered) paragraph of Explanatory Note 0.28.

OTHER AMENDMENT PROPOSALS TO THE TIR CONVENTION, 1975

Article 3

Replace the text of Article 3 by the following:

“Article 3

For the provisions of this Convention to become applicable:

- (a) the transport operation must be performed
 - (i) by means of road vehicles, combinations of vehicles or containers previously approved under the conditions set forth in Chapter III (a), or
 - (ii) by means of other road vehicles, other combinations of vehicles or other containers under the conditions set forth in Chapter III (c), or
 - (iii) by road vehicles or special vehicles such as buses, cranes, sweepers, concrete-laying machines, etc. exported and therefore themselves considered as goods travelling by their own means from a Customs office of departure to a Customs office of destination under the conditions set forth in Chapter III (c). In case such vehicles are carrying other goods, the conditions as referred to under (i) or (ii) above shall apply accordingly;
- (b) the transport operations must be guaranteed by associations approved in accordance with the provisions of Article 6 and must be performed under cover of a TIR Carnet, which shall conform to the model reproduced in Annex 1 to this Convention.”

Annex 2, Article 3, paragraph 11 (a)

After the last sentence of Article 3, paragraph 11 (a) insert a new sentence to read as follows:

“Neither shall a flap be required for vehicles with sliding sheets.”

Annex 2, new Article 4

Insert a new Article 4 to read as follows:

“Article 4

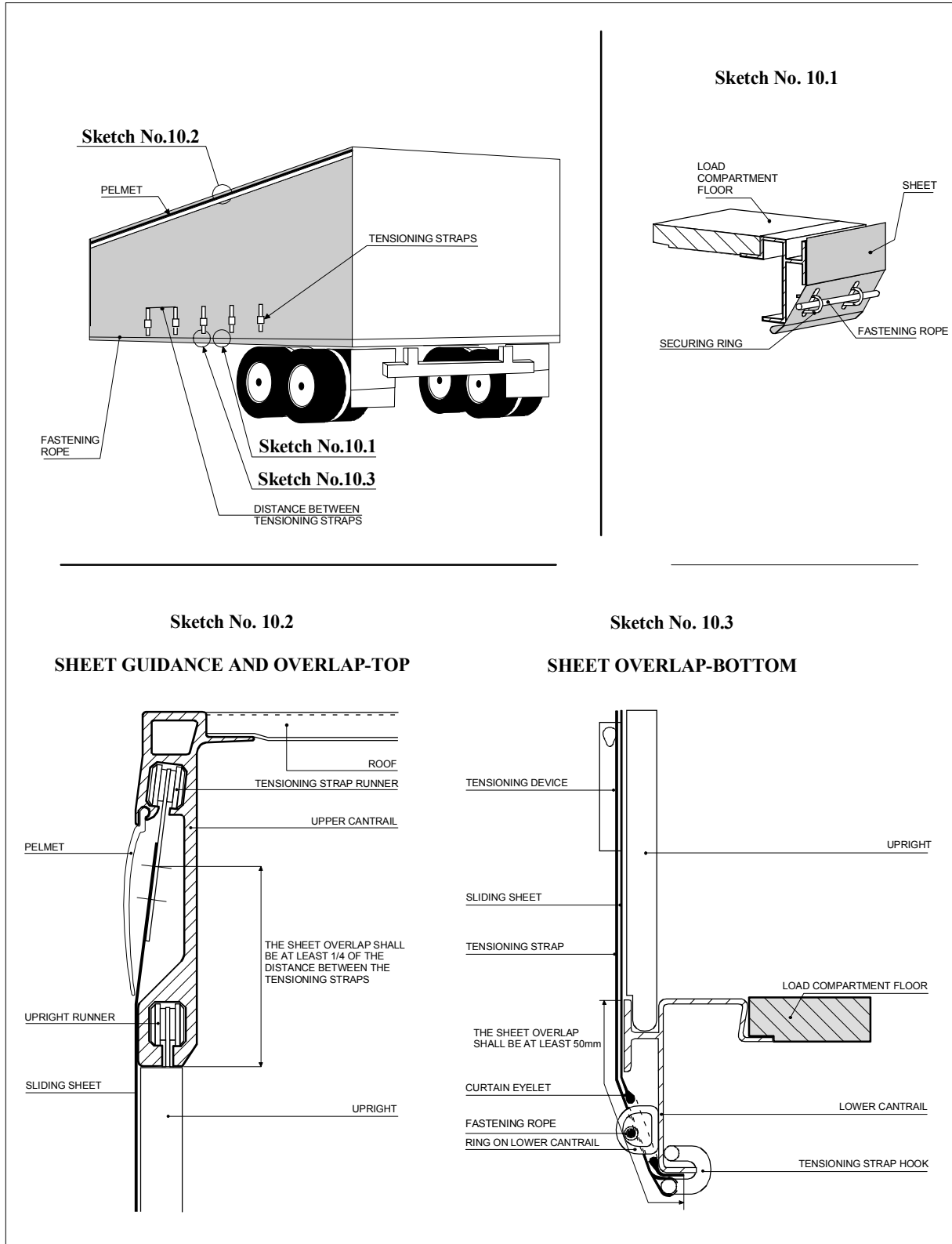
Vehicles with sliding sheets

1. Where applicable, the provisions of Articles 1, 2 and 3 of these Regulations shall apply to vehicles with sliding sheets. In addition, these vehicles shall conform to the provisions of this Article.
2. Notwithstanding the provisions of paragraph 3 of this Article, the sliding sheets, floor, doors and all other constituent parts of the load compartment shall fulfil either the requirements in Article 3, paragraphs 6, 8, 9 and 11 of these Regulations or the requirements set out in (i) to (vi) below.
 - (i) The sliding sheets, floor, doors and all other constituent parts of the load compartment shall be assembled in such a way that they cannot be opened or closed without leaving obvious traces.
 - (ii) The sheet shall overlap the solid parts at the top of the vehicle by at least 1/4 of the actual distance between the tensioning straps. The sheet shall overlap the solid parts at the bottom of the vehicle by at least 50 mm. The horizontal opening between the sheet and the solid parts of the load compartment may not exceed 10 mm measured perpendicular to the longitudinal axis of the vehicle at any place when the load compartment is secured and sealed for Customs purposes.
 - (iii) The sliding sheet guidance and other movable parts shall be assembled in such a way that closed and Customs sealed doors and other movable parts cannot be opened or closed from the outside without leaving obvious traces. The sliding sheet guidance and other movable parts shall be assembled in such a way that it is impossible to gain access to the load compartment without leaving obvious traces. The system is described in sketch No. 10 appended to these Regulations.
 - (iv) The horizontal distance between the rings, used for Customs purposes, on the solid parts of the vehicle shall not exceed 200 mm. The space may, however, be greater but shall not exceed 300 mm between the rings on either side of the upright if the construction of the vehicle and the sheets is such as preventing all access to the load compartment. In any case, the conditions laid down in (ii) above shall be complied with.
 - (v) The distance between the tensioning straps shall not exceed 600 mm.
 - (vi) The fastenings used to secure the sheets to the solid parts of the vehicle shall fulfil the requirements in Article 3, paragraph 9 of these Regulations.”

Add the following new sketch to the existing sketches appended to Annex 2:

"Sketch No. 10

EXAMPLE OF A CONSTRUCTION OF A VEHICLE WITH SLIDING SHEETS



Annex 7, Part I, Article 4, paragraph 11 (a)

After the last sentence of Article 4, paragraph 11 (a) insert a new sentence to read as follows:

“Neither shall a flap be required for containers with sliding sheets.”

Annex 7, Part I, Article 5

Replace the text of Article 5 by the following:

“Article 5

Containers with sliding sheets

1. Where applicable, the provisions of Articles 1, 2, 3 and 4 of these Regulations shall apply to containers with sliding sheets. In addition, these containers shall conform to the provisions of this article.
2. Notwithstanding the provisions of paragraph 3 of this Article, the sliding sheets, floor, doors and all other constituent parts of the container shall fulfil either the requirements in Article 4, paragraphs 6, 8, 9 and 11 of these Regulations or the requirements set out in (i) to (vi) below.
 - (i) The sliding sheets, floor, doors and all other constituent parts of the container shall be assembled in such a way that they cannot be opened or closed without leaving obvious traces.
 - (ii) The sheet shall overlap the solid parts at the top of the container by at least 1/4 of the actual distance between the tensioning straps. The sheet shall overlap the solid parts at the bottom of the container by at least 50 mm. The horizontal opening between the sheet and the solid parts of the container may not exceed 10 mm measured perpendicular to the longitudinal axis of the container at any place when the container is secured and sealed for Customs purposes.
 - (iii) The sliding sheet guidance and other movable parts shall be assembled in such a way that closed and Customs sealed doors and other movable parts cannot be opened or closed from the outside without leaving obvious traces. The sliding sheet guidance and other movable parts shall be assembled in such a way that it is impossible to gain access to the container without leaving obvious traces. The system is described in sketch No. 10 appended to these Regulations.
 - (iv) The horizontal distance between the rings, used for Customs purposes, on the solid parts of the container shall not exceed 200 mm. The space may, however, be greater but shall not exceed 300 mm between the rings on either side of the upright if the construction of the container and the sheets is such as preventing all access to the container. In any case, the conditions laid down in (ii) above shall be complied with.
 - (v) The distance between the tensioning straps shall not exceed 600 mm.

- (vi) The fastenings used to secure the sheets to the solid parts of the container shall fulfil the requirements in Article 4, paragraph 9 of these Regulations.”

Add the following new sketch to the existing sketches appended to Annex 7, Part I:

"Sketch No. 10

EXAMPLE OF A CONSTRUCTION OF A CONTAINER WITH SLIDING SHEETS

