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Administrative Committee for the TIR Convention, 1975

**REPORT OF THE ADMINISTRATIVE COMMITTEE FOR THE
TIR CONVENTION, 1975 ON ITS FORTY-FIFTH SESSION
(31 January 2008)**

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I. ATTENDANCE

1. The Committee held its forty-fifth session on 31 January and 1 February 2008 in Geneva.
2. The session was attended by representatives of the following countries: Austria; Azerbaijan; Belarus; Belgium; Bulgaria; Croatia; Czech Republic; Estonia; Finland; France; Germany; Greece; Hungary; Italy; Kyrgyzstan; Latvia; Lithuania; Moldova; Netherlands; Poland; Russian Federation; Serbia; Slovakia; Slovenia; Spain; Sweden; Switzerland; Turkey; Ukraine; Uzbekistan. Representatives of the European Community (EC) were also present.
3. The following non-governmental organization was represented as observer: International Road Transport Union (IRU). A representative of the issuing and guaranteeing association of Norway participated in the session as observer.
4. The Administrative Committee noted that the required quorum – of at least one-third of the States which are Contracting Parties present for the purposes of taking decisions (according to Annex 8 Article 6 of the Convention) - was attained.

II. ADOPTION OF THE AGENDA (Agenda item 1)

5. The Administrative Committee adopted the agenda as contained in document ECE/TRANS/WP.30/AC.2/92 with the addition of the following issue under agenda item 10 “Other business”: “Border crossing problems at the borders between Poland and non-EU countries”.

III. ELECTION OF OFFICERS (Agenda item 2)

6. The Committee elected by acclamation Ms. H. Metaxa-Mariatou (Greece) as Chairperson and Mr. I. Makhovikov (Belarus) as Vice-Chairperson for its sessions in 2008.

IV. STATUS OF THE TIR CONVENTION, 1975 (Agenda item 3)

7. The Committee was informed that, with the accession of the United Arab Emirates on 20 October 2007, the TIR Convention of 1975 had 68 Contracting Parties. The Committee also noted that, as of 15 January 2008, Montenegro started the application of the TIR procedure. A full list of Contracting Parties to the Convention, countries in which a TIR transit operation can be established as well as national associations issuing and guaranteeing TIR Carnets is contained in annex I to this report and is also available on the UNECE TIR website.¹
8. Detailed information on the status of the Convention as well as on the various Depository Notifications is available on the above website.

¹ <<http://tir.unece.org>>.

9. The Committee took note of Informal document No. 3 (2008), transmitted by the IRU, containing an overview of the number of TIR Carnets distributed by this organization in the years 2004 to 2007.

V. ACTIVITIES AND ADMINISTRATION OF THE TIR EXECUTIVE BOARD (TIREXB) (Agenda item 4)

A. Activities of the TIRExB

1. Report by the Chairperson of the TIRExB

10. The Committee endorsed the report of the TIRExB on its thirty-third session (June 2007), as contained in document ECE/TRANS/WP.30/AC.2/2008/1. The TIRExB Chairperson also briefed the Committee about various considerations and decisions taken by the TIRExB at its thirty-fourth (November 2007) and thirty-fifth sessions (January 2008). In particular, the Committee noted that the TIRExB would undertake among the Contracting Parties a study concerning the use of so-called 'subcontractors' in the framework of the TIR procedure.

2. International TIR Data Bank (ITDB)

11. The Committee recalled the obligations contained in Annex 9, Part II, paras. 4 and 5 of the Convention concerning the transmission of ITDB data. The Committee invited Contracting Parties to respect the relevant deadlines and, where possible, to transmit data in an electronic format to allow for their easy processing. The Committee also took note of Informal document No. 4 (2008), prepared by the secretariat, providing an overview of the status of transmission of documents and data to the ITDB.

12. The Committee took note of progress made in the implementation of the so-called ITDB Online+ project aimed at enabling Customs authorities to update their countries' data online in ITDB. In particular, the secretariat has completed the design phase of the project and prepared documentation on "User requirement and functional specifications".

3. On-line register of Customs sealing devices and Customs stamps

13. The Committee took note of activities by the secretariat with the aim to establish an on-line version of the UNECE Register of Customs Sealing Devices and Customs stamps and welcomed a presentation by the TIR secretariat of a prototype version. The Committee highlighted the practical importance of this tool and encouraged all Contracting Parties to transmit to the secretariat the latest information on their Customs seals and sealing devices.

14. The Committee considered document ECE/TRANS/WP.30/AC.2/2008/2, prepared by the secretariat at the request of the Committee, outlining various options to ensure the protection of data in the envisaged on-line register. The Committee felt that, given the level of confidentiality of the information from the register and the fact that authorized users would have a "read only" permission, it would be sufficient to employ a user name and a password to access the information contained in the on-line register.

4. National and regional TIR workshops and seminars

15. The Committee took note of the outcome of a Regional TIR Training Seminar held on 21 and 22 November 2007 in Amman (Jordan). Azerbaijan expressed interest in receiving the secretariat's assistance in organizing a TIR training seminar in the near future.

B. Financial administration of the TIRExB and the TIR secretariat

1. Status report on the accounts for the year 2007

16. The Committee recalled that, in accordance with Annex 8, Article 11, paragraph 4 of the Convention, the TIRExB shall submit audited accounts to the Committee at least once a year or at the request of the Committee. The Committee was informed by the secretariat that the final accounts for the year 2007 were not yet available from the UN administration and decided to postpone the approval of the accounts to its forty-sixth session in October 2008.

2. Budget and cost plan for the year 2008

17. The Committee recalled that the budget and cost plan for the operation of the TIRExB and the TIR secretariat for the year 2008 had been approved by the Committee at its previous session (ECE/TRANS/WP.30/AC.2/91, para. 14). The Committee was informed by the secretariat that the required funds for the operation of the TIRExB and the TIR secretariat in 2008 had been transmitted in full by the IRU to the TIR Trust Fund before the deadline of 15 November 2007.

18. The Committee also recalled the amount per TIR Carnet (US\$ 0.3206) approved at its previous session (ECE/TRANS/WP.30/AC.2/91, para. 14). The Committee was informed that, according to the prevailing US dollar-Swiss franc exchange rate on the day of the transfer, this amount was equivalent to CHF 0.36218 and, thus, the individual amount to invoice per TIR Carnet distributed in 2008 would be CHF 0.36.

3. Audit of the UN Board of Auditors and OIOS

19. The Committee took note of information provided by the secretariat about the status of implementation of the recommendations by the UN Board of Auditors and Office of Internal Oversight Services, in particular, the OIOS recommendation that UNECE should invite the Contracting Parties to the TIR Convention to consider adding a new Part 3 to Annex 9 of the TIR Convention "Authorization to take on the responsibility for the organization and functioning of an international guarantee system, to print and distribute TIR Carnets". OIOS had been informed that this recommendation was in the progress of implementation, as proposals on the inclusion of a new Annex 9, Part III to the TIR Convention were still under consideration by the UNECE Working Party on Customs Questions affecting Transport (WP.30).

VI. PROPOSALS FOR AMENDMENTS TO THE CONVENTION (Agenda item 5)

A. Amendment(s) to the Convention with regard to the financing of the operation of the TIRExB and the TIR secretariat

20. The Committee adopted the following amendment proposal to Annex 8:

Replace the existing text of Annex 8, Article 13, paragraph 1 by:

“1. The operation of the TIR Executive Board and the TIR secretariat shall be financed, until such time as alternative sources of funding are obtained, through an amount per TIR Carnet distributed by the international organization as referred to in Article 6. This amount shall be approved by the Administrative Committee.”

Add a new Explanatory Note:

“8.13.1-3 Amount

The amount referred to in paragraph 1 shall be based on (a) the budget and cost plan of the TIR Executive Board and TIR secretariat as approved by the Administrative Committee and (b) the forecast of the number of TIR Carnets to be distributed as established by the international organization.”

Replace the existing text of Annex 8, Article 13, paragraph 2 by:

“2. The procedure to implement the financing of the operation of the TIR Executive Board and the TIR secretariat shall be approved by the Administrative Committee.”

Add a New Explanatory Note:

“8.13.2 *Following consultation with the international organization as referred to in Article 6, the procedure referred to in paragraph 2 shall be reflected in the Agreement between the UNECE, as mandated by and acting on behalf of the Contracting Parties, and the international organization as referred to in Article 6. The Agreement shall be approved by the Administrative Committee.”*

21. In accordance with Article 60, the Committee decided that the above amendment proposals would come into force on 1 January 2009, unless at least five objections had been raised before 1 October 2008.

VII. AUTHORIZATION FOR PRINTING AND DISTRIBUTION OF TIR CARNETS AND THE ORGANIZATION AND FUNCTIONING OF THE GUARANTEE SYSTEM (Agenda item 6)

22. The Committee recalled its earlier decision to authorize the IRU to centrally print and distribute TIR Carnets and to organize the functioning of the guarantee system for the period 2006-2010 inclusive (TRANS/WP.30/AC.2/77, para. 37 and ECE/TRANS/WP.30/AC.2/91, para. 17).

VIII. AUTHORIZATION FOR THE CONCLUSION OF AN AGREEMENT BETWEEN THE UNECE AND THE IRU (Agenda item 7)

23. The Committee recalled its earlier decision to provide the secretariat with the mandate to conclude and sign the UNECE-IRU Agreement on behalf of the Committee (ECE/TRANS/WP.30/AC.2/91, para. 18). In this context, the Committee took note that, on 29 October 2007, the revised agreement was signed by the UNECE and the IRU.

IX. REVISION OF THE CONVENTION (Agenda item 8)

A. Phase III of the TIR revision process – computerization of the TIR procedure

24. The Committee was informed of the latest developments with regard to the computerization of the TIR system. In particular, the Committee endorsed document ECE/TRANS/WP.30/GE.1/2007/11 containing the summary report of the twelfth session of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) held in Geneva on 12 June 2007. Furthermore, the Committee took note of the outcome of the thirteenth session of the GE.1, which took place in Geneva on 26 and 27 November 2007. The summary report is contained in document ECE/TRANS/WP.30/GE.1/2007/16. Due to the absence of the report in Russian and French, the Administrative Committee decided to postpone endorsement of the report until its next session. The Administrative Committee was informed that the fourteenth session of the GE.1 would take place in Geneva on 10 and 11 April 2008.

B. Other proposals for amendments to the Convention

25. The Committee recalled that, pending a confirmation by the European Community, it approved in principle the following Explanatory Note to Article 3 (a) (ECE/TRANS/WP.30/AC.2/91, paras. 22 and 23):

"0.3 (a) (iii) The provisions of Article 3 (a) (iii) do not cover passenger cars (HS-code 8703) travelling by their own means. However, passenger cars may be carried under the TIR procedure if transported by means of other vehicles as referred to in subparagraphs (a) (i) and (a) (ii) of Article 3."

26. As the European Community was not yet in a position to formally accept the proposal, the Committee decided to revert to this issue at its next session allowing the Community to conclude its internal approval procedures.

X. APPLICATION OF THE CONVENTION (Agenda item 9)

A. Draft recommendation on the introduction of HS code in the TIR Carnet

27. The Committee recalled its earlier discussions of a draft Recommendation on the use of the HS Code in the TIR Carnet (ECE/TRANS/WP.30/AC.2/80, annex 2). The Committee took note of further considerations by the UNECE Working Party WP.30 (ECE/TRANS/WP.30/234,

paras. 28-30), in particular, of the view expressed by the Turkish delegation that, should the use of the HS code on the TIR Carnet become mandatory, it would insist on the introduction of an Explanatory Note to the Convention, stipulating that the holder shall not be liable in cases of inconsistencies between the goods and HS code and/or between the plain language description of the goods and the HS code that is written on the TIR Carnet.

28. In view of the above, the Committee decided to adopt the draft Recommendation (annex II) and to re-examine Turkey's concerns in the framework of a review of the practical application of the Recommendation that would be undertaken in 12 months, as stipulated in the Recommendation. Contracting Parties were requested to communicate to the secretariat any information related to the implementation of the Recommendation.

XI. BEST PRACTICES (Agenda item 10)

A. Application of Article 38 of the Convention

29. The Committee took note of Informal document No. 2 (2008), transmitted by Turkey, proposing few modifications to the example of best practice concerning the application of Article 38 (ECE/TRANS/WP.30/2006/17/Rev.2-ECE/TRANS/WP.30/AC.2/2006/17/Rev.2). The Committee delivered a number of preliminary remarks regarding the Turkish proposals. Taking into account the late submission of Informal document No. 2 (2008) and its availability in English only, the Committee invited Turkey to further elaborate on its proposals and submit them as an official document for consideration at the next session of the Committee.

30. Having pointed out the urgent need for harmonization in the application of Article 38, the Committee adopted the underlying example of best practice (annex III). At the same time, the Committee decided to revisit this issue at the next session on the basis of a new document to be transmitted by Turkey. Should the Committee decide on modifications, they can still be introduced into the example before it is published in the 2009 edition of the TIR Handbook.

B. Application of Articles 39 and 40 of the Convention

31. The Committee took note of Informal document No. 1 (2008), transmitted by the European Community, containing comments on the example of best practice, prepared by the TIRExB, with regard to discrepancies between the particulars on the goods manifest of the TIR Carnet and the actual content of the load compartment (ECE/TRANS/WP.30/AC.2/2007/9). The Committee requested the TIRExB, on the basis of proposals by the European Community, to reconsider the example of best practice and to report back to the Committee.

XII. OTHER BUSINESS (Agenda item 11)

A. Border crossing problems at the borders between Poland and non-EU countries

32. At the request of countries bordering with Poland, the Committee was informed of problems at the external EU borders in Poland, due to a strike of Polish Customs officials. The Committee noted with satisfaction that the situation was steadily improving, in terms of border queues and delays, and was expected to come back to normal within next few days. At the same

time, the Committee expressed its concerns that similar events might happen in the future, also in other countries, and urged all parties to do their utmost to prevent such actions. In this context, the IRU appealed to all countries to ensure the smooth implementation of the UNECE legal instruments in the area of border crossing facilitation, including the TIR Convention of 1975 and the Harmonization Convention of 1982.

B. Date of next session

33. The Committee decided to hold its forty-sixth session on 9 October 2008, in conjunction with the one-hundred-and-twentieth session of WP.30.

C. Restriction on the distribution of documents

34. The Administrative Committee decided not to restrict the distribution of documents issued in connection with its current session.

XIII. ADOPTION OF THE REPORT (Agenda item 12)

35. In accordance with Annex 8, Article 7 of the TIR Convention, 1975, the Administrative Committee adopted the report on its forty-fifth session. During the adoption of the report, the French and Russian speaking delegations deplored that the report was not available in all three official languages.

Annex I**STATUS OF THE TIR CONVENTION, 1975**

<u>Contracting Parties</u>	<u>Countries with which a TIR transit operation can be established*</u>	<u>National associations**</u>	<u>Country code (ISO 3166, A3)</u>
Afghanistan	-	-	AFG
Albania	✓	ANALTIR	ALB
Algeria	-	-	DZA
Armenia	✓	AIRCA	ARM
Austria	✓	AISÖ	AUT
Azerbaijan	✓	ABADA	AZE
Belarus	✓	BAMAP	BLR
Belgium	✓	FEBETRA	BEL
Bosnia and Herzegovina	-	-	BIH
Bulgaria	✓	AEBTRI	BGR
Canada	-	-	CAN
Chile	-	-	CHL
Croatia	✓	TRANSPORTKOMERC	HRV
Cyprus	✓	TDA	CYP
Czech Republic	✓	CESMAD BOHEMIA	CZE
Denmark	✓	DTL	DNK
Estonia	✓	ERAA	EST
Finland	✓	SKAL	FIN
France	✓	AFTRI	FRA
Georgia	✓	GIRCA	GEO
Germany	✓	BGL; AIST	DEU
Greece	✓	OFAE	GRC
Hungary	✓	ATRH	HUN
Indonesia	-	-	IDN
Iran (Islamic Republic of)	✓	ICCIM	IRN
Ireland	✓	IRHA	IRL
Israel	✓	IRTB	ISR
Italy	✓	UICCIAA	ITA
Jordan	✓	RACJ	JOR
Kazakhstan	✓	KAZATO	KAZ
Kuwait	✓	KATC	KWT
Kyrgyzstan	✓	KYRGYZ AIA	KGZ
Latvia	✓	LA	LVA
Lebanon	✓	CCIAB	LBN

* Based on information provided by the IRU.

** Source: The International Directory of TIR Focal Points

<<http://www.unece.org/trans/bcf/tir/focal/tirfocalpoints.htm>>. The access to the website is only open to TIR Focal Points.

STATUS OF THE TIR CONVENTION, 1975 (CONT'D)

<u>Contracting Parties</u>	<u>Countries with which a TIR transit operation can be established*</u>	<u>National associations**</u>	<u>Country code (ISO 3166, A3)</u>
Liberia	-	-	LBR
Lithuania	✓	LINAVA	LTU
Luxembourg	✓	FEBETRA	LUX
Malta	✓	ATTO	MLT
Moldova	✓	AITA	MDA
Mongolia	✓	NARTAM	MNG
Montenegro	✓	PKCG	MNE
Morocco	✓	AMTRI	MAR
Netherlands	✓	TLN; KNV; EVO	NLD
Norway	✓	NLF	NOR
Poland	✓	ZMPD	POL
Portugal	✓	ANTRAM	PRT
Republic of Korea	-	-	KOR
Romania	✓	UNTRR; ARTRI	ROU
Russian Federation	✓	ASMAP	RUS
Serbia	✓	SCC-ATT	SCG
Slovakia	✓	CESMAD SLOVAKIA	SVK
Slovenia	✓	GIZ INTERTRANSPORT	SVN
Spain	✓	ASTIC	ESP
Sweden	✓	SA	SWE
Switzerland	✓	ASTAG	CHE
Syrian Arab Republic	✓	SNC ICC	SYR
Tajikistan	✓	ABBAT	TJK
The former Yugoslav Republic of Macedonia	✓	AMERIT	MKD
Tunisia	✓	CCIT	TUN
Turkey	✓	TOBB	TUR
Turkmenistan	✓	THADA	TKM
Ukraine	✓	AIRCU	UKR
United Arab Emirates	-	-	ARE
United Kingdom	✓	RHA; FTA	GBR
United States of America	-	-	USA
Uruguay	-	-	URY
Uzbekistan	✓	AIRCUZ	UZB
European Community			

* Based on information provided by the IRU.

** Source: The International Directory of TIR Focal Points

<<http://www.unece.org/trans/bcf/tir/focal/tirfocalpoints.htm>>. The access to the website is only open to TIR Focal Points.

Annex II

INTRODUCTION OF THE HS CODE OF GOODS IN THE TIR CARNET

Recommendation adopted by the Administrative Committee for the TIR Convention, 1975, on 31 January 2008

The Administrative Committee,

Stressing the need for the application of effective risk management and risk assessment measures with regard to goods in transit;

Bearing in mind that a TIR transport is often preceded by an exportation declaration containing the commodity code of the goods made in accordance with the International Convention on the Harmonized Commodity Description and Coding System (the so-called HS code);

Recognizing the importance of the twin objective of identifying those goods that may pose a security risk and of facilitating the movement of other goods;

Convinced that, where access to the HS code is possible, its use in the TIR Carnet in addition to a plain language description of the goods could contribute to this objective;

Considering also that the inclusion of the HS code in the TIR Carnet would also facilitate electronic data processing;

Recognizing that relevant amendments to the TIR Convention being prepared under Phase III of the TIR revision process may take some time to enter into force;

1. Decides to recommend that TIR Carnet holders or any other persons filling-in the TIR Carnet on their behalf are to indicate the HS code of the goods under box 10 of the goods manifest on the voucher not for Customs use (yellow page) of the TIR Carnet, in addition to a plain language description of the goods;
2. Urges the Customs authorities at the Customs office of departure to check, where applicable, whether the HS code shown on the goods manifest tallies with the HS code shown on the export Customs declaration and/or other commercial or transport documents.

If the TIR Carnet has been accepted by the Customs office of departure without indication of the HS code, the HS code should not be required either by subsequent Customs offices en route or by Customs offices of destination.

The absence of the HS code of the goods in the TIR Carnet shall not lead to delays during a TIR transport and shall not be an obstacle to the acceptance of TIR Carnets. The absence of the HS code shall not be considered as an infringement of the Convention and shall not lead to any liabilities of the TIR Carnet holder.

The same shall apply in those cases where the Customs authorities suspect that the HS code may be incorrect or where there are inconsistencies between the plain language description of the goods and the HS code.

Without prejudice to Article 8 paragraph 6 of the TIR Convention, the plain language description of the goods will be deemed to be correct in cases where there is an inconsistency between the plain language description and the description indicated by the HS code.

The practical application of this Recommendation shall be reviewed 12 months following the date of entry into force with a view to ensuring that it meets its objectives.

The present Recommendation will come into effect on 1 May 2008.

Annex III

EXAMPLE OF BEST PRACTICE WITH REGARD TO THE APPLICATION OF ARTICLE 38

A. INTRODUCTORY REMARKS

1. Chapter IV "Irregularities" of the TIR Convention contains references to national legislation of the Contracting Parties. In particular, in accordance with Article 36, *"any breach of the provisions of this Convention shall render the offender liable, in the country where the offence was committed, to the penalties prescribed by the law of that country"*. Article 38 constitutes in itself a framework provision which also relies on national legislation for practical implementation. For example, national law determines:

- gravity of an infringement ("serious offence against Customs laws or regulations applicable to the international transport of goods");
- date when the exclusion according to Article 38 comes into force;
- appeal procedures and possible suspension of the exclusion in the course of appeal.

2. In general, Article 38 should be considered as a tool to protect and prevent the TIR procedure from abuses, rather than as an automatic mechanism of sanction in any circumstances. The application of Article 38 should be justified according to the gravity of the infringement.

3. Article 38 is closely linked to the provisions of Article 6 and of Annex 9, part II which govern the procedure of access of physical and legal persons to the TIR procedure. This relation is highlighted by two comments to Article 38 "Cooperation between competent authorities" and "Exclusion of a domestic transport operator from the TIR procedure".

4. Apart from the person being excluded, the following actors are mentioned in Article 38:

- the competent authorities of the Contracting Party where the offence has been committed and where Article 38.1 is implemented;
- the competent authorities of the Contracting Party on whose territory the excluded person is established or resident;
- the association(s) in the country where the offence has been committed;
- the TIR Executive Board.

In addition, the national association of the Contracting Party where the excluded person is established or resident is involved in the implementation of Article 38, although not mentioned explicitly in the text.

5. Because of the involvement of various actors, the close cooperation between them is indispensable for the smooth application of Article 38. Such cooperation should be based on two major elements:

- duly fulfilment by the actors involved of their respective functions;
- a fast and transparent exchange of information.

An example of best practices in this respect is given below.²

B. EXAMPLE OF BEST PRACTICE

6. The competent authorities of the Contracting Party where an infringement of the TIR Convention was committed should consider, in line with national legislation, whether this infringement constitutes "a serious offence against Customs laws or regulations applicable to the international transport of goods" and whether the TIR Carnet holder should be excluded from the TIR procedure according to Article 38.1.

7. If a decision is taken to implement Article 38.1, the person being excluded should be informed without delay. Such information should preferably be made in any of the three official languages of the TIR Convention (English, French or Russian) and should contain at least the following particulars:³

- Date and place of issuance of the document;
- Name and official address of the competent authority;
- Name, address, country and ID-number of the person being excluded;
- TIR Carnet reference number (if applicable);
- Registration No(s) of road vehicle(s) (if applicable);
- Identification No(s) of container(s) (if applicable);
- Description of the goods (according to the goods manifest) (if applicable);
- Date and place of the infringement;
- Detailed description of the infringement;
- Reasons for the application of Article 38.1;
- Type of the exclusion (temporary or permanent) and the date of its entry into force;
- Duration of the exclusion (for temporary exclusions only);
- Information on possible appeal procedures (deadline, appeal bodies, possible suspension of the exclusion in case of appeal, etc.).

Where applicable, a copy of the TIR Carnet should be attached.

² According to the comment "Exclusion of a domestic transport operator from the TIR procedure", the Customs authorities are recommended to use the provisions of Article 38.1 against foreign transport operators guilty of a serious offence of the Customs laws. The proposed example of best practice addresses such a situation.

³ A specimen of information is given in the appendix to the present document. If a language other than the three official languages of the Convention is used to fill-in the form, at least the titles of the boxes should also be given in English, French or Russian.

8. The information should be transmitted to the excluded person by the fastest available means of communication (fax, electronic mail, etc.). Within one week, ***where provided for in national legislation***, this information should also be forwarded by registered mail to the person being excluded or should be handed over to his legal representative against signature on receipt.

9. Within one week, the same information should also be transmitted by the fastest available means of communication (fax, electronic mail, etc.) to the competent authorities of the Contracting Party on whose territory the person concerned is established or resident, to the association(s) in the country or Customs territory where the offence has been committed, to the TIR Executive Board and, as far as possible, to the association of the Contracting Party where the excluded person is established or resident (issuing association).

10. In case of any changes in the status of the original exclusion (e.g., cancellation or suspension, etc.), the competent authorities, which have excluded the person, should keep the addressees mentioned in paras. 8 and 9 above informed of these changes.

11. The competent authorities of the Contracting Party on whose territory the excluded person is established or resident should consider whether the committed infringement can affect the minimum conditions and criteria set out in Annex 9, part II, that persons have to meet in order to have access to the TIR procedure. If the person concerned no longer fulfils these requirements, his authorization should be withdrawn. Such a withdrawal should be reported within one week to the TIR Executive Board. It is also recommended to inform the competent authorities which have issued the exclusion.

12. Irrespective of the possible decision on withdrawal of authorization by the competent authorities of the Contracting Party on whose territory the person concerned is established or resident, the issuing association should assess the reliability of the holder and may impose on him some sanctions in compliance with the association's internal rules, for example, suspend the issuance of TIR Carnets.

APPENDIX

INFORMATION OF EXCLUSION FROM THE TIR PROCEDURE

(in accordance with Article 38, para.1 of the TIR Convention)

To:

(name, address, country and ID-number of the person being excluded)

This is to notify that you have been excluded from the TIR procedure on the territory of _____ (name of the country)

This exclusion comes into force on _____ (date)

and is permanent temporary until _____ (date)

Appeal against the exclusion can be launched with

_____ (name of appeal body)

within _____ (deadline for appeal in accordance with national legislation).

The exclusion has been a result of the infringement whose details are given below:

TIR Carnet reference number (if applicable)

Registration No(s) of road vehicle(s) (if applicable)

Identification No(s) of container(s) (if applicable)

Description of goods (according to the goods manifest) (if applicable)

Date and place of the infringement

Description of the infringement:

Reasons for the application of Article 38.1:

Attachments (if any)

Name and official address of the competent authority:

Date and place

Signature

Stamp (if applicable)
