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affecting Transport

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**CUSTOMS CONVENTION ON THE INTERNATIONAL TRANSPORT
OF GOODS UNDER COVER OF TIR CARNETS (TIR CONVENTION 1975)**

Revision of the Convention

**Draft amendments on the inclusion and the attribution of voting rights to Regional
Economic Integration Organizations (REIO)**

Transmitted by the Government of the United States of America

Note: The secretariat reproduces below a communication transmitted by the Government of the United States of America.

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A. INTRODUCTION

1. The United States Government has reviewed carefully the proposals made by the EU related to participation of the European Community in the work of the TIR Convention and amendments to the Convention related to such participation.

2. If this is a matter of priority for the European Community and its Member States, which are Contracting Parties to this Convention, the United States can support going to the effort to amend

the Convention to accommodate the European Community. The amendments, dealing with important matters such as competence, voting and apportionment of rights and obligations among Contracting Parties, must be handled with great care.

3. In particular, it must ensure that the provisions are very clear with respect to voting (e.g., that a regional economic integration organization does not exercise a vote in addition to those of its Member States) and that there are clear mechanisms for all Contracting Parties to know how competence has been allocated.

4. The existing provisions of the Convention should also be borne in mind. For example, Article 52(4) says explicitly that customs or economic unions shall not have the right to vote. This type of explicit reference should be retained.

5. In order to accommodate the European Community's request to amend the Convention, a revised set of amendments is annexed for consideration.

Annex

United States counterproposal based on EU proposal in Annex 1 of document TRANS/WP.30/AC.2/2002/8

Article 52(3) of the TIR Convention is amended as follows:

“A regional economic integration organization constituted by sovereign states to which its Member States have transferred competence over certain matters governed by this Convention, including the competence to enter into treaties in respect of such matters, may become a Contracting Party to this Convention in accordance with the provisions of paragraphs 1 and 2 of this Article, without a right to vote except as provided in Article 5 of Annex 8 hereof. The organization and its Member States shall not be entitled to exercise rights under the Convention concurrently.

Where the number of Contracting Parties is relevant in this Convention, the regional economic integration organization shall not count as a Contracting Party in addition to its Member States which are Contracting Parties.

A regional economic integration organization which is a Contracting Party to this Convention shall have the rights and obligations of a Contracting Party, to the extent that the regional economic integration organization has competence over matters governed by this Convention. Such an organization and its Member States that are Contracting Parties to this Convention shall decide on their respective responsibilities for the performance of their obligations under the Convention.

At the time of signature, ratification, acceptance, approval or accession, or if the regional economic integration organization is already a Contracting Party within one month of entry into force for it of this provision, the regional economic integration organization shall make a declaration to the depository specifying the matters governed by this Convention in respect of which competence has been transferred to that organization by its Member States which are Contracting Parties to this Convention and any other relevant restrictions as to the scope of that competence. The regional economic integration organization shall promptly notify the depository of any changes to the distribution of competence, including new transfers of competence, specified in the declaration under this paragraph.

Contracting Parties which are Member States of a regional economic integration organization which is a Contracting Party to this Convention shall be presumed to have competence over all matters governed by this Convention in respect of which transfers of competence to the organization have not been notified under subparagraph 4.”

Article 5 of Annex 8 of the TIR Convention is amended as follows:

“Proposals shall be put to a vote. Each State which is a Contracting Party represented at the session shall have one vote. Proposals other than amendments to this Convention shall be adopted by the Committee by a majority of those present and voting. Amendments to this Convention and the decisions referred to in Articles 59 and 60 of this Convention shall be adopted by a two-thirds majority of those present and voting.

Where paragraph 3 of Article 52 of this Convention applies and a regional economic integration organization will exercise its right of vote in matters over which it has competence, it shall have the number of votes equal to the number of its Member States which are Contracting Parties to this Convention, which are present and which have transferred competence to it over the matter in question. A regional economic integration organization shall not exercise its right to vote if its Member States exercise theirs, and vice versa.”
