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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions  
affecting Transport  
(Ninetieth session, 24 to 27 February 1998,  
agenda item 5 (b)(iii))

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

**Revision of the Convention**

**Proposals for amendments to the Convention  
(Phase II of the TIR revision process)**

**Transmitted by the Government of Hungary**

1. Referring to the last session of the Working Party on Customs Questions affecting Transport (20-24 October 1997), the following text contains the proposals of the Hungarian Customs and Finance Guard - agreed with the Ministry of Transport, Communications and Water Management - concerning part II of the revision process of the TIR Convention.

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PLEASE NOTE: The distribution of documents of the Inland Transport Committee and its subsidiary bodies is no longer "restricted". Accordingly, the secretariat has adopted a new numbering system whereby all documents other than Reports and Agendas will be numbered as follows:  
TRANS/WP.30/year/serial number. Reports and Agendas will retain their previous numbering system (e.g., TRANS/WP.30/176).

**A. STABLE AND WELL-FUNCTIONING GUARANTEE SYSTEM**

2. The international guarantee is the most important element of the TIR transit system and the Contracting Parties of the TIR Convention should take this into consideration. The main point is the decentralized system in which the national association would only be liable for TIR Carnets issued by themselves.

3. A new paragraph 3 is suggested to be added to article 6 of the Convention:

"The international organization is responsible for the well-functioning of the guarantee system and for the necessary financial cover to meet the association's liabilities by means of insurance. The (electronic) information given by Customs authorities must be processed by the international organization who must inform the competent authority and the association about the differences - open but not discharged TIR carnets or discharged TIR carnets which have not been signalled electronically."

**Justification:**

4. This proposal would allow to state the responsibility of the international organization in the Convention - taking into consideration the present agreement - and gives possibilities for the Contracting Parties to require the compliance with the respective rules. If there is a possibility to introduce this, the data from the electronic data processing system would help to reduce the large amount of smuggling.

5. It is agreed to add a new paragraph to article 10 of the Convention:

"The Customs office which discharges (with or without reservation) the TIR carnet must inform the international organization electronically within 30 days."

**Justification:**

6. The suggested solution - although it is very expensive - will give possibilities to compare the data of opened and discharged TIR carnets. Although Customs authorities give information about the discharge of TIR carnets, the control is only partial, which is not safe. The cost of creating this system will be outweighed by the prevented smuggling within 1-2 years. In case of acceptance of this proposal, data given by the Customs authority must be authentic, correct and easily controlled.

**B. TIR CARNET**

7. An A4 size of the TIR Carnet would be helpful and the introduction of a "new" voucher No.3 would be useful to the Customs authority because, in case the voucher is sent to the Customs office of departure, it would help in the arrangement of the payment of claims or could give information about the consignment in case of loss of the TIR carnet.

8. The suggestion is supported to translate the boxes of the TIR Carnet into one language only with a view to allow for more space and better lucidity.

9. The boxes on voucher No.1/No.2, which are not for Customs use, should be filled in in the language of the issuing association according to current practice.

10. The proposal is supported to introduce boxes 14 and 15 (consignor, consignee)<sup>\*/</sup> because the data of the person who is bound to pay the duties is clearly shown.

11. We would like to enlarge boxes 1-9 in the vouchers because they are so small that there is no space to insert the 14 digital register numbers. This enlargement would be sufficient if boxes 16-20 in the manifest were smaller.

12. Furthermore, document TRANS/WP.30/1997/3 transmitted by the Ministry of Transport, Communications and Water Management in Hungary at the eighty-ninth session of the Working Party has to be modified. Some of the proposals numbered in paragraphs 1-14 have been revised; thus the following changes need to be made to the proposals of Hungary (the following paragraph numbers refer to document TRANS/WP.30/1997/3):

13. Paragraph 4 (new paragraph 8 of article 8 of the Convention):

"If the transport operation is performed under cover of a TIR carnet, the competent authorities shall proceed in validating their claim in accordance with the provisions of the present Convention before applying their national customs law."

14. Paragraph 6 (amended text of paragraph 1 of article 11 of the Convention): The rational and logical reduction of the validity period for notice of non-discharged TIR carnets (1 and 2 years) in article 11 would yield a result if the information flow among the Contracting Parties, association and IRU could stand on stable electronic technology.

15. Paragraph 9 (amendment of the present text of article 41):

"...lost by accident, *violent action* or *force majeure*..".

**Justification:**

16. According to the present Convention, the operators and the associations are liable for the taxes payable on the goods that, for example, have been robbed. It is suggested to insert a comment in the TIR Handbook regarding the exact meaning of "force majeure" because the meaning, e.g. robbery, is not clear.

17. Paragraph 13 (new Annex 10): It is suggested that a new Annex 10 should consist of the detailed regulations of the Convention concerning the completion of TIR carnets, their control, the responsibilities of the holders of TIR carnets, the rules of discharge, the measures to be taken in extraordinary circumstances and the procedure to be observed in managing requests for payment.

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<sup>\*/</sup> Indication of box numbers refers to the second draft of a revised TIR carnet as contained in Informal Document N° 5 circulated at the eighty-ninth session of the Working Party (20-24 October 1997).

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