



**Economic and Social
Council**

Distr.

GENERAL

TRANS/WP.30/1998/14
11 August 1998

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

*Working Party on Customs Questions
affecting Transport*

(Ninety-first session, 21 to 23 October 1998,
agenda item 4 (c)(viii))

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

Application of the Convention

Validity of curtain-sided vehicles

Transmitted by the Czech Republic

A. INTRODUCTION

1. It has generally been agreed within the Working Party that the criteria for approval of curtain-sided vehicles for use under the TIR regime is not only whether access can be gained to the load compartment of the road vehicle or container, but also whether the nature of the construction of the loading compartment complies with the conditions laid down in the TIR Convention, 1975.

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2. The first time the question of curtain-sided vehicles was considered by the Working Party was in September 1989 and it was agreed as the interpretation of the Working Party that article 3, paragraph 2, and article 3, paragraph 6, of Annex 2 to the Convention should both stipulate "the sheet" which implies one sheet only, thereby excluding all curtain-sided road vehicles or containers with sheets on both sides.

3. The question of curtain-sided vehicles was considered once more by the Working Party in October 1995 and February 1996 based on a document prepared by the United Kingdom (TRANS/WP.30/R.166). An excellent

analysis of this matter was made by representatives with two possible interpretations. The view of the United Kingdom and also the Czech Republic is that article 3, paragraph 2, and article 3, paragraph 6, do not refer to more than one sheet because each sheet is independent of the other and the requirements of these articles would therefore apply equally to each sheet.

B. PROPOSED MODIFICATION

4. The Czech Customs Administration was requested by a Czech transport company for the approval of a road vehicle with a load compartment and with new and modified curtain-sides.
5. The sketches contained in Addendum 1 to this document (English only) provide a description of the modified curtain-sided vehicle.
6. The material of the curtain-sheet complies with the conditions laid down in paragraph 2 of article 3 of Annex 2 to the Convention because it is plastic-covered cloth which is sufficient in strength and unstretchable.
7. The bottom edge of the curtain-sheet is fixed to the road vehicle in line with the conditions laid down in paragraph 6, sub-paragraph (a) of article 3 of Annex 2 to the Convention because metal rings and eye lets are used. The condition of paragraph 8 of article 3 of Annex 2 to the Convention is also fulfilled because the space between the ring and the space between the eye lets does not exceed 200 mm. The condition of paragraph 9 or article 3 of Annex 2 to the Convention is also fulfilled because a steel wire rope is used.
8. The top edge of the curtain-sheet is fixed to the road vehicle in line with the conditions laid down in paragraph 6, sub-paragraph (b) of article 3 of the Annex 2 to the Convention because a permanently secured flap from the sheet is used for the fixation of the curtain-sheet to the body of the road vehicle. The condition of explanatory note 2. 3. 6. (b) is also fulfilled because the flap from the sheet is permanently attached to the body of the vehicle and the sheet is held in place by one strip of metal secured to the body of the road vehicle by joining devices meeting the requirements of sub-paragraph (a) of explanatory note 2.2.1 of Annex 6. The curtain-sheet and the flap from the sheet are fixed in line with the conditions laid down in paragraph 6, sub-paragraph (a) of article 3 of Annex 2 to the Convention because metal rings and eyelets are used. The requirement of paragraph 8 of article 3 of Annex 2 to the Convention is also fulfilled because the space between the ring and the space between the eyelets does not exceed 200 mm. Paragraph 9 of article 3, Annex 2 to the Convention is also fulfilled because a thong is used. The thong also complies with the requirements stipulated in paragraph 11 (a) (iii) with regard to material, dimension and shape.
9. The ends of the curtain are attached to the metal rods and a ratched mechanism is used to wind the curtain around the metal rod, pulling the curtain tight. This construction does not comply with the requirement of article 3, Annex 2 to the Convention. Therefore, the flap from the sheet is used again. The flap from the sheet is welded to the curtain-sheet in line with paragraph 4, article 3, Annex 2 to the Convention. The flap from the sheet is fixed to the body of the road vehicle in line with the conditions laid down in paragraph 6, sub-paragraph (a) of article 3 of Annex 2 to the Convention, because metal rings and eyelets are used. The condition of paragraph 8 of article 3 of Annex 2 to the Convention is also fulfilled because the space between the ring and the space between the eyelets does not exceed 200 mm. The condition of paragraph 9 of article 3 of Annex 2 to the Convention is also fulfilled because a thong is used. The thong also complies with the requirements stipulated in paragraph 11 (a) (iii) with regard to material, dimension and shape. The securing of thongs complied with the conditions laid down in explanatory note 2. 3. 11. (a)-2 and also with the comments to this explanatory note.

C. THE OPINION OF THE CZECH REPUBLIC

10. The technical experts in the Czech Republic considered this modification of a curtain-sided vehicle and their conclusion was that this modification meets the required criteria for TIR approval, i.e. the load compartment meets all requirements of Annex 2 of the Convention.

11. The Working Party may wish to consider this type of construction of curtain-sided vehicles with regard to its validity under the Convention.
