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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions Affecting Transport

One-hundred-and-eighteenth session Geneva, 29 January-1 February 2008 Item 9 (b) (iii) of the provisional agenda

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

Revision of the Convention

Amendment proposals for the Convention

Note by the secretariat

1. At its one-hundred-and-seventeenth session, the Working Party considered document ECE/TRANS/WP.30/2007/18, transmitted by the European Commission on behalf of the European Community, containing a number of amendment proposals. Due to practical difficulties in discussing the EC's amendment proposals and counterproposals, the Working Party requested the secretariat to prepare a consolidated document. This document should contain the proposals of the European Community (ECE/TRANS/WP.30/2007/18) as well as other parties' comments, counterproposals and additional amendment proposals.

2. The Working Party further decided that the proposal contained in ECE/TRANS/WP.30/2007/19 would become an integral part of the consolidated amendment proposals (see ECE/TRANS/WP.30/234, paras. 25-27).

GE.07-26503

3. This document contains in annex the consolidated version of outstanding amendment proposals, as submitted to the secretariat by 15 November 2007 for consideration by the Working Party.

- 4. The structure of the document is as follows:
- Column 1: contains the proposals by the European Community, as contained in document ECE/TRANS/WP.30/2007/18;
- Column 2: contains amended proposals by the European Community; differences in comparison to document ECE/TRANS/WP.30/2007/18 are indicated by means of <u>underline</u> and strikethrough;
- Column 3: contains amendment proposals submitted by the International Road Transport Union (IRU); the proposals are based on document ECE/TRANS/WP.30/2007/18 and take also into consideration other proposals by the IRU set out in document ECE/TRANS/WP.30/2006/5/Rev.2; justifications to the various proposals are contained in footnotes;
- Column 4: contains various other proposals (by the Working Party, the ad Hoc Expert Group on Phase III of the TIR Revision (GE.2), the Government of Belarus, the Government of the Russian Federation).

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
	Art	icle 1 (q)	
		The term "guaranteeing association" shall mean an association, authorised by the competent authorities of a Contracting Party to issue TIR Carnets, and to act as guarantor for the persons using the TIR procedure. ²	the term "guaranteeing association" shall mean an association, authorized by the competent authorities of a Contracting Party to issue TIR Carnets, and to act as guarantor [surety] for persons using the TIR procedure, having undertaken in writing to pay jointly and severally with the person(s) directly liable the sums due, as laid down in this Convention. (ECE/TRANS/WP.30/228, para. 36)
	Art	ticle 1 (r)	
		The term "international organization" shall mean an	organization" shall mean an
		organization authorised by the Administrative Committee to take on the responsibility for the	organization authorized by the TIR Administrative Committee to take on
		effective organization and	

¹ Changes compared to document ECE/TRANS/WP.30/2007/18 are <u>underlined</u> and <u>strike through</u>. ² Justification by IRU: The only changed required to this article concerns the replacement of the word "surety" with "guarantor" in order to align the three language versions of the Convention.

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
		functioning of an international	organization and functioning
		guarantee system and to centrally	of the international guarantee
		print and distribute TIR	system and to centrally print
		Carnets. ³	and distribute TIR Carnets.
			(ECE/TRANS/WP.30/228, para.
			36).
	Arti	cle 1 (s)	· · · · ·
		The term "TIR Carnet" shall	
		mean the international Customs	
		document which also provides	
		proof of the existence of an	
		international guarantee for the	
		goods carried under the TIR	
		procedure. Certain information	
		contained in the TIR Carnet	
		may, additionally, be furnished to	
		the competent Customs	
		authorities by means of a data	
		processing technique in	

³ Justification by IRU: This text has already been considered by the WP.30. The only modification concerns the deletion of "TIR" in respect of the Administrative Committee.

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
		accordance with national	
		legislation. ⁴	
	A	rticle 3	
		(a) [no change]	
		(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 the	
		Convention. In cases where some	
		of the information contained in	
		the TIR Carnet is additionally	

⁴ Justification by IRU: The IRU fully supported the European Community's intention that the TIR Convention should explicitly allow the possibility for TIR Carnet holders to submit the TIR Carnet declaration data by electronic means where this is allowed under national legislation (document ECE/TRANS/WP.30/2007/13 refers). In the interests of clarity and legal certainty the IRU believes the most appropriate way to achieve this is through an amendment to Article 1 with consequential amendments to Article 3.

Currently the TIR carnet is the unique and consistent medium through which TIR Carnet holders, the guarantee chain and the competent authorities apply and implement the TIR Convention. The TIR Carnet ensures not only the provision of a common set of declaration data but also a standardized method of presenting the TIR declaration. These features represent one of the essential characteristics of the "basic philosophy and structure" of the TIR system which should, as agreed by the Contracting Parties, be maintained in the electronic environment. It is therefore necessary to introduce the equivalent of Annex 1 in order to secure the consistent and harmonious application of the TIR procedure in the electronic environment and so avoid the proliferation of disparate data requirements and technical standards for presenting the TIR declaration electronically. To that end a new Annex has been proposed.

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
		furnished by means of a data	
		processing technique, the	
		information shall conform to the	
		data elements laid down in	
		Annex 11 to this Convention. ⁵	
		<i>Comment to Article 3 [no change]</i>	
	A	rticle 4	
		Goods carried under the TIR	As long as goods are carried
		procedure shall not be subject to	under the TIR procedure, the
		the payment or deposit of import	payment of import and
		or export duties and taxes. ⁶	export duties shall be
			suspended and security other
			than that mentioned in
			Article 3 (b) shall not be
			required.
			(WP.30, ECE/TRANS/WP.30/
			224, para. 41)
		Comment to Article 4 [no change]	

⁵ Justification by IRU: This new sentence is required to provide a comparable legal basis for those situations where the TIR Carnet data is also to be provided by electronic means. Furthermore Articles 1 (s) and 3 (b) together with Annex 11, provide the legal basis for the implementation of the computerisation of the TIR procedure in a harmonized and mutually recognized environment.

⁶ Justification by IRU: The IRU fully supports the efforts made by the Contracting Parties to clarify the meaning of this article. However in recognition of the difficulties in reaching an agreement on the text, the IRU proposes the afore-mentioned simple text which reflects the essence of the equivalent WCO Standard in the Revised Kyoto Convention.

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
	Art	icle 6.2 <u>bis</u>	
		An international organization	An international organization
		shall be authorised by the	shall be authorized by the
		Administrative Committee to	Administrative Committee to
		take on the responsibility for the	take on responsibility for the
		effective organization and	[effective] organization and
		functioning of an international	functioning of an international
		guarantee system and to centrally	guarantee system and to print
		print and distribute TIR Carnets.	and distribute TIR Carnets.
		The authorization shall be	The authorization shall be
		granted as long as the	granted as long as the
		organization fulfils the conditions	organization fulfills the
		and requirements laid down in	-
		Annex 9, Part III. The	<i>,</i>
		authorization shall be revoked if	
		these conditions and	
		requirements are no longer	if the fulfillment of these
		fulfilled. ⁷	criteria is no longer ensured
			(Expert Group on Revision,
			TRANS/WP.30/GE.2/2005/3).
		Explanatory Notes to Article 6.2bis	
		[no change]	

⁷ Justification by the IRU: The Contracting Parties have made it clear that they would like to see the international organization's responsibilities described in Annex 9. In order to achieve this objective it is necessary to introduce the possibility through an amendment to the body of the Convention.

Amended European	Proposals by the International	Other proposals
Community proposal ¹	Road Transport Union (IRU)	
Art	ticle 8	
1. The guaranteeing	1. The guaranteeing	
association shall undertake to	association shall undertake to	
pay <u>up to</u> the <u>maximum of the</u>	pay up to the maximum of the	
guaranteed amount of the	guaranteed amount of the import	
import or export duties and	or export duties and taxes,	
taxes, together with any	together with any default	
default interest, due under the	interest, due under the Customs	
Customs laws and regulations	laws and regulations of the	
of the country in which an	Contracting Party in which an	
irregularity has been	irregularity leading to a claim	
established in connection with	8 6	
a TIR operation. It shall be	association has been established	
liable, jointly and severally	in connection with a TIR	
	operation. It shall be liable,	
the sums mentioned above are	-	
	o i i	
sums.	-	
	- /	
	Community proposal ¹ Art 1. The guaranteeing association shall undertake to pay <u>up to</u> the <u>maximum of the</u> guaranteed amount of the import or export duties and taxes, together with any default interest, due under the Customs laws and regulations of the country in which an irregularity has been established in connection with a TIR operation. It shall be liable, jointly and severally with the persons from whom the sums mentioned above are due, for the payment of such	Community proposal1Road Transport Union (IRU)Article 81. The guaranteeing association shall undertake to pay up to the maximum of the guaranteed amount of the import or export duties and taxes, together with any default interest, due under the Customs laws and regulations of the country in which an irregularity has been established in connection with a TIR operation. It shall be liable, jointly and severally with the persons from whom the sums mentioned above are due, for the payment of suchI. The guaranteeing association shall undertake to pay up to the maximum of the guaranteed amount of the import or export duties and taxes, together with any default interest, due under the Contracting Party in which an irregularity leading to a claim against the guaranteeing association has been established in connection with a TIR operation. It shall be liable, jointly and severally with the persons from whom the sums mentioned above are due, for the payment of such

⁸ Justification by the IRU: The text of paragraph 1 reflects the wording of the European Community's proposal in document ECE/TRANS/WP.30/2007/18 but with the use of the term "Contracting Party" rather than "country". For consistency sake this change has been introduced elsewhere. It is proposed to delete the current paragraph 2 because the Contracting Parties have already agreed that it has no relevance as far as the application of the TIR Convention is concerned. As a consequence the succeeding articles need to be renumbered and aligned. Although the current paragraph 7 has been deleted it is to be repositioned in Article 11. The opportunity has been taken to clarify the meaning of Explanatory Note 0.8.4 by replacing the potentially ambiguous phrase "if the guarantee is questioned" with a clearer text.

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	1 1
	· · ·	Comments to Article 8, paragraph	
		<u>1</u>	
		Administrative fines	
		The liability of the guaranteeing	
		associations as provided for in	
		Article 8, paragraph 1 does not	
		include administrative fines or	
		other pecuniary sanctions.	
		Collection of additional sums	
		Article 8, paragraph 1, allows	
		Customs authorities to collect	
		additional sums such as liquidated	
		damages or other penalties from	
		the holder of the Carnet should	
		they deem that to be necessary.	
		2. Each Contracting Party	
		shall determine the maximum	
		sum per TIR Carnet, which may	
		be claimed from the guaranteeing	
		association on the basis of	
		paragraph 1 above.	

Emma Gamma it 1	Americal		Other real
European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
		Explanatory Note to Article 8,	Explanatory Notes to Article 8,
		paragraph 2	paragraph 2
		0.8.2 Customs authorities are	0.8.2-1 Customs authorities are
		recommended to limit to a sum	recommended to limit to a sum
		equal to \$US 50,000 per TIR	equal to \$US 50,000 per TIR
		Carnet the maximum amount which	Carnet the maximum amount
		may be claimed from the	which may be claimed from the
		guaranteeing association. The	guaranteeing association. The
		following type of goods cannot be	following types of goods cannot
		transported under cover of TIR	be transported under cover of
		Carnet, given the extraordinarily	TIR Carnet, given the
		high risk of fraud:	extraordinarily high risk of
			fraud:
		(1) Undenatured ethyl alcohol of an	(1) - (5) (see IRU proposal)
		alcoholic strength by volume of	
		80% vol or higher (HS code:	<u>For</u> \$US 50,000 <u>read</u> €60,000
		22.07.10);	(Government of Belarus;
		(2) Undenatured ethyl alcohol of an	ECE/TRANS/WP/30/2007/19).
		alcoholic strength by volume of	
		less than 80% vol; spirits,	0.8.2-2: In accordance with
		liqueurs and other spirituous	Article 4 of the Convention,
		beverages; compound alcoholic	goods carried under the TIR
		preparations of a kind used for	procedure shall not be subjected
		the manufacture of beverages	to the payment or deposit of any
		(HS code: 22.08);	import or export duties and
		(3) Cigars, cheroots and cigarillos,	taxes whatsoever, even if the
		containing tobacco (HS code:	duties and taxes at risk exceed
		24.02.10);	the amount of US\$ 50,000 for
		(4) Cigarettes containing tobacco	consignments transported under
		(HS code: 24.02.20);	the normal TIR Carnet or a
		(5) Smoking tobacco, whether or	similar sum fixed by the

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
		not containing tobacco substitutes in any proportion (HS code: 24.03.10).	national Customs authorities. In such cases Customs authorities in transit countries could however, in conformity with Article 23 of the Convention, require road vehicles to be escorted at the carriers' expense on the territory of their country. (Expert Group on Revision, TRANS/WP.30/GE.2/2005/3) P.M: Explanatory Note to Article 23 will have to be amended accordingly.
			Every Subscription $For = 100000000000000000000000000000000000$

			0.1 1
European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
		Comment to Explanatory Note	
		0.8.2	
		Duties and taxes at risk	
		In accordance with article 4 of the	
		Convention, goods carried under	
		the TIR procedure shall not be	
		subject to the payment or deposit of	
		any import or export duties and	
		taxes whatsoever, even if the duties	
		and taxes at risk exceed the amount	
		of \$US 50,000 or a similar sum	
		fixed by the national Customs	
		authorities. In such cases Customs	
		authorities in transit countries	
		could however, in conformity with	
		article 23 of the Convention,	
		require road vehicles to be escorted	
		at the carriers' expense on the	
		territory of their country.	
		3. The liability of the	
		guaranteeing association to the	
		authorities of the Contracting	
		Party where the Customs office	
		of departure is situated shall	
		commence at the time when the	
		TIR Carnet is accepted by the	
		Customs office. In the succeeding	
		Contracting Parties through	
		which goods are transported	
		under the TIR procedure, this	
		liability shall commence at the	
		nuomey shan commence at the	

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
		time when the goods enter these	
		countries or, where the TIR	
		transport has been suspended	
		under Article 26, paragraphs 1	
		and 2, at the time when the TIR	
		Carnet is accepted by the	
		Customs office where the TIR	
		transport is resumed.	
		4. The liability of the	
		guaranteeing association shall	
		cover not only the goods which	
		are enumerated in the TIR	
		Carnet but also any goods which,	
		though not enumerated therein,	
		may be contained in the sealed	
		section of the road vehicle or in	
		the sealed container. It shall not	
		extend to any other goods.	

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	ould proposuls
		Explanatory Note to Article 8,	
		paragraph 4	
		0.8.4 If a payment request is	
		established against the person or	
		persons directly liable and a claim	
		is subsequently made against the	
		guaranteeing association for goods	
		not listed in the TIR Carnet, the	
		administration concerned should	
		indicate the facts on which it based	
		its opinion that the goods were	
		contained in the sealed section of	
		the road vehicle or the sealed	
		container.	
		5. For the purpose of	
		determining the duties and taxes	
		mentioned in paragraph 1 of this	
		Article, the particulars of the	
		goods as entered in the TIR	
		Carnet shall, in the absence of	
		evidence to the contrary,	
		assumed to be correct.	
		Explanatory Note to Article 8,	
		paragraph 5	
		0.8.5 1. In the absence in the TIR	
		Carnet of particulars detailed	
		enough to enable charges on the	
		goods to be determined, the Parties	
		concerned may produce evidence	
		of their precise nature.	

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	I I I
		2. If no evidence is furnished,	
		duties and taxes will be charged,	
		not at a flat rate unrelated to the	
		nature of the goods, but at the	
		highest rate applicable to the kind	
		of goods covered by the particulars	
		in the TIR Carnet.	
7. $Deleted^9$			
	Art	icle 10	
2. When the Customs	2. When the Customs	2. When the Customs	
authorities of a Contracting	authorities of a Contracting	authorities of a Contracting	
Party have discharged a TIR	Party have discharged a TIR	Party have discharged a TIR	
operation they can no longer	operation they can no longer	operation they can no longer	
claim from the guaranteeing	claim from the guaranteeing	claim from the guaranteeing	
association payment of the	association payment of the	association payment of the sums	
sums mentioned in Article 8,	sums mentioned in Article 8,	mentioned in Article 8,	
paragraphs 1 and 2, unless	paragraphs 1 and 2, unless	paragraph 1 unless the certificate	
proof of the termination of the	proof of the termination of the	of the termination of the TIR	
TIR operation was falsified or	TIR operation was falsified or	operation was obtained in an	
was obtained in an improper	was obtained in an improper-	improper or fraudulent	

⁹ Paragraph moved to Article 11, paragraph 2.

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
or fraudulent manner or no	or fraudulent manner or no	manner or no termination has	
termination has taken place.	termination has taken place.	taken place. ¹⁰	
Explanatory Note to Article 10	Explanatory Note to Article 10,	Explanatory Note to Article 10,	
0.10.Proof of the termination of	<u>paragraph 2</u>	paragraph 2	
the TIR operation shall be	0.10-1. The certificate Proof of	0.10-1 The certificate of	
regarded as having been	the termination of the TIR	termination of the TIR operation	
obtained in an improper or	operation shall be regarded as	shall be regarded as having been	
fraudulent manner when the TIR	having been obtained in an	obtained in an improper or	
operation has been carried out	improper or fraudulent manner	fraudulent manner when the TIR	
by means of load compartments	when the TIR operation has	operation has been carried out by	
or containers adapted for	been carried out by means of	means of load compartments or	
fraudulent purposes, or when	load compartments or	containers adapted for fraudulent	
such malpractice as the use of	containers adapted for	purposes, or when such malpractice	
false or inaccurate documents,	fraudulent purposes, or when	as the use of false or inaccurate	
the substitution of goods,	1	*	
tampering with Customs seals,	false or inaccurate documents,	goods, tampering with Customs	

¹⁰ Justification by the IRU: It is apparent from the various comments made by the representatives of the European Community that the proposal to introduce the new term "proof of termination" is based on the assumption that the word "certificate" implies the use of a paper based document. The IRU does not agree that the word "certificate" has such a narrow meaning but in order to address the European Community's apparent concern it is proposed to use the Explanatory Note to Article 10 to make it clear that the certificate can additionally take the form of an electronic message. This proposal to introduce the need to introduce a new, undefined term into the Convention. With regard to the European Community's other proposal to introduce the concept that the certificate of termination can be "falsified", the IRU believes that the justification for this amendment has not been made nor has the legal implications been fully considered. By definition a false or fake Customs stamp applied to the appropriate part of Voucher No 2 of the TIR carnet does not certify the termination of the TIR operation has been terminated can only be given by Customs and this was confirmed by the WP.30 during its 88th session. Should the appropriate part of Voucher No 2 be applied with a false or fake stamp it follows that the competent Customs authorities are able to conclude that "no termination has taken place". Moreover, in the electronic environment which will be under the full control and management of the Customs authorities, there can be no false discharge of the TIR operation based on a falsified message certifying termination. However a new Explanatory Note 0.10-2 has been proposed in anticipation that the WP.30 considers the situation requires clarification.

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	r r
etc., have been discovered, or when the proof of termination has been obtained by other illicit means.	the substitution of goods, tampering with Customs seals,	 seals, etc., have been discovered, or when the proof of termination has been obtained by other illicit means. 0.10-2 The phrase "or no termination has taken place" includes those situations where the certificate of termination given on the appropriate part of voucher No 2 has been falsified by the use of forged signatures and/or false Customs stamps. 	
		0.10-3 The term "certificate of termination" refers to not only the endorsement by Customs of the appropriate part of voucher No 2 of the TIR Carnet, but also to the termination message provided by electronic means to complement the paper based certificate in cases where the Contracting Parties have approved the use of data processing techniques in accordance with Article 1 (s).	

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
		icle 11	
1. Where a TIR operation	1. Where a TIR	1. Where a TIR operation	1. Where a TIR
has not been discharged the	operation has not been	has not been discharged the	operation has not been
competent authorities shall:	discharged the competent	competent authorities shall:	discharged the competent
(a) as soon as possible	authorities shall:	(a) notify the TIR Carnet	authorities shall:
notify the TIR Carnet	(a) as soon as possible	holder at his address	(a) as soon as possible
holder at his address	notify the TIR Carnet	indicated in the TIR	notify the TIR Carnet
indicated in the TIR	holder at his address	Carnet of the non-	holder at his address
Carnet of the non-	indicated in the TIR	discharge, as soon as	indicated in the TIR
discharge,	Carnet of the non-	possible; and	Carnet of the non-
(b) notify the guaranteeing	discharge <u>before</u>	(b) notify the guaranteeing	discharge,
association of the non-	sending the	association of the non-	(b) notify the guaranteeing
discharge.	<u>notification under (b)</u> ,	discharge.	association of the non-
	(b) notify the		discharge
	guaranteeing association of the non-		
The notification of the	discharge. The notification of competent	The notification to the	The notification of the
guaranteeing association shall be made within a maximum	<u>authorities shall notify</u> the guaranteeing association	guaranteeing association shall be made as soon as possible and not	guaranteeing association shall be made within a maximum
period of one year from the	shall be made within a	later than one year from the date	period of one year from the
date of acceptance of the TIR	maximum period of one year	of acceptance of the TIR Carnet	date of acceptance of the TIR
Carnet or two years when the	from the date of acceptance	or two years when the certificate	Carnet by those authorities
proof of termination of the	of the TIR Carnet or two	of termination of the TIR	or two years when the proof
TIR operation was falsified or	years when if the proof	operation was obtained in an	of termination of the TIR
	certificate of termination of	special mus counted in un	operation was falsified or
	the TIR operation was		obtained in an improper or

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
obtained in an improper or	falsified or obtained in an	improper or fraudulent	fraudulent manner
fraudulent manner.	improper or fraudulent	manner. ¹¹	(Government of the Russian
	manner.		Federation).
Explanatory Note to Article 11,	Explanatory Note to Article 11,	Explanatory Note to Article 11,	
paragraph 1	<u>paragraph 1</u>	paragraph 1	
0.11-1 The method of	0.11-1 The method of	0.11-1 The method of notification	
notification is left to national	notification is left to national	is left to national legislation.	
legislation.	legislation.		

¹¹ Justification by the IRU: The European Community's proposal to apply the two year rule to situations involving certificates of termination that have been falsified has not been justified. The IRU firmly believes that previous decisions taken by the WP.30 (reference the 88th session) cannot simply be discarded because of what appears to be operational or administrative difficulties experienced by an isolated Contracting Party. The IRU believes that the appropriate use of elementary risk management techniques, including the establishment of a secure system for processing internal post containing Vouchers No 2 as well as recourse to the UNECE register of Customs stamps, should enable the competent Customs authorities to detect such falsifications within the time period of 12 months.

It is also noted that under EU legislation (Article 450c of the Customs Code implementing provisions) the equivalent provisions for the Community transit system requires the notification of non discharge to the guarantor to be given "within 12 months of the date of acceptance of the transit declaration". It would appear that the European Community is therefore trying to introduce into the TIR Convention provisions which exceed the equivalent EU requirements in order to facilitate the making of claims against the TIR guarantee chain. If this assessment is correct then it seems reminiscent of the conclusions reached by the European Parliament's Temporary Committee of Inquiry that "Customs services are more concerned with collecting public revenue using guarantees as a form of insurance, than tackling the defects in the system as a means of facilitating trade".

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
Comments to Article 11,	Comments to Article 11,	Comments to Article 11, paragraph	Comments to Article 11,
paragraph 1	paragraph 1	<u>1</u>	<u>paragraph 1</u>
Notification to the national	Notification to the national	Notification to the guaranteeing	Notification to the national
guaranteeing association	guaranteeing association	association	guaranteeing association
As regards the time limit for the	As regards the time limit for the	As regards the time limit for the	As regards the time limit for the
notification to the national	notification to the national	notification to the guaranteeing	notification to the national
guaranteeing association of the	guaranteeing association of the	association of the non-discharge of	guaranteeing association of the
non-discharge of TIR Carnets	non-discharge of TIR Carnets <u>it</u>	TIR Carnets, it is the date of	non-discharge of TIR Carnets
the date of receipt but not the	<u>is</u> the date of receipt <u>and</u> -but	receipt and not the date of dispatch	the date of receipt but not the
date of dispatch is decisive.	not the date of dispatch <u>that</u> is	that is decisive. However, the	date of dispatch is decisive.
However, the method of proof of	decisive. However, the method	method of proving that the	However, the method of proof
notification is left to national	of pro of of proving that the	notification was sent is left to	of notification is left to national
legislation (registered mail for	notification <u>was sent</u> is left to	national legislation (registered	legislation (registered mail for
example being one example of	national legislation (registered	mail for example being one	example being one example of
proof of reception). If the time	mail for example being one	example of proof of reception).	proof of reception). If the time
limit is exceeded the national	example of proof of reception).		limit is exceeded the national
guaranteeing association is not	If the time limit is exceeded the	Notification to the TIR Carnet	guaranteeing association is not
liable any more.	national guaranteeing	holder	liable any more.
Notification to the TIR Carnet	association is not liable any	The requirement of notifying the	Notification to the TIR Carnet
holder	more.	TIR Carnet holder could also be	holder
The requirement of notification	Notification to the TIR Carnet	fulfilled by transmission of a	The requirement of notification
to the TIR Carnet holder could	holder	registered letter or by some other	to the TIR Carnet holder could
be fulfilled by transmission of a	The requirement of notification	means of notification.	be fulfilled by transmission of a
registered letter or other means	to the TIR Carnet holder could		registered letter or other means
of notification.	<i>be fulfilled by transmission of a</i>		of notification.(Government of
	registered letter or other means		the Russian Federation)
	of notification.		

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
		Explanatory Note to Article 11,	
		paragraph 1(b)	
		0.11-1(b) Once the guaranteeing	
		association has been notified of the	
		non discharge it should make its	
		own enquiries concerning the	
		apparent irregularity and, if	
		possible, obtain alternative proof of	
		termination of the TIR operation.	
		Any relevant information so	
		obtained should be referred to the	
		competent authorities who notified	
		the non discharge.	
2. Where the payment of		2. Where the payment of the	2. Where the payment of
the sums mentioned in Article		sums mentioned in Article 8,	the sums mentioned in Article
8, paragraphs 1 and 2 becomes	8, paragraphs 1 and 2	paragraph 1 becomes due, the	8, paragraphs 1 and 2 becomes
due, the competent authorities	becomes due, the competent	competent authorities shall, so	due, the competent authorities
shall, so far as possible,	authorities shall, so far as	far as possible, require payment	shall, so far as possible,
require payment from the		from the person or persons	require payment from the
person liable for such payment	-	directly liable for such payment	person <u>or persons</u> liable for
before making a claim against	1 0	before making a claim against the maximum fraction 1^{2}	such payment before making a
the guaranteeing association.	making a claim against the	the guaranteeing association. ¹²	claim against the guaranteeing
	guaranteeing association.		association. (Government of the Puscien Enderstion)
			Russian Federation).

¹² Justification by the IRU: This text replicates Article 8 paragraph 7 and introduces it into Article 11. The IRU sees no reason why the text of Article 8.7 should be modified as a result of it being repositioned in Article 11.

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
Explanatory Note to Article 11,	Explanatory Note to Article 11,	Explanatory Note to Article 11,	Explanatory Note to Article 11,
paragraph 2	<u>paragraph 2</u>	paragraph 2	<u>paragraph 2</u>
0.11-2 The efforts to be made by	0.11-2 The efforts to be made	0.11-2 The efforts to be made by	0.11-2 The efforts to be made
the competent authorities to	by the competent authorities to	the competent authorities to require	by the competent authorities to
require payment from the person	require payment from the	payment from the person or	require payment from the person
liable shall include, at least, the	person or persons liable shall	persons directly liable shall	liable shall include, at least, the
sending of the claim for payment	include, at least, the sending of	include, at least, the sending of the	sending of the claim for
to the TIR Carnet holder, at his	the claim for payment to the	claim for payment to the TIR	payment to the TIR Carnet
address indicated in the TIR	TIR Carnet holder, at his	Carnet holder, at his address	holder, at his address indicated
Carnet, or the person liable, if	address indicated in the TIR	indicated in the TIR Carnet, or to	in the TIR Carnet, or the person
different. The claim for payment	Carnet, or <u>to</u> the person(s)	the person liable, if different. The	liable, if different established in
may be made at the same time as	liable, if different <u>in accordance</u>	claim for payment may be made at	accordance with national
the notifications referred to in	with national legislation. The	the same time as the notifications	legislation. The claim for
Article 11, paragraph 1.	claim for payment to the TIR	referred to in Article 11, paragraph	payment may be made at the
	Carnet holder may be made at	1.	same time can be regarded as
	the same time as combined with		the notifications referred to in
	the notifications referred to in		Article 11, paragraph 1.
	Article 11, paragraph 1.		(Government of the Russian
			Federation).
Comment to Article 11,	Comment to Article 11,	<u>Comment to Article 11, paragraph</u>	<u>Comment to Article 11,</u>
paragraph 2	<u>paragraph 2</u>	<u>2</u>	<u>paragraph 2</u>
Identification of the person or	Identification of the person or	0 0 I	Identification of the person or
persons liable	persons liable	persons liable	persons liable
It should be assumed that the	It should be assumed that the	It should be assumed that the	It should be assumed that the
person liable for the payment of	person liable for the payment of	person liable for the payment of the	person liable for the payment of
the sums due is the TIR Carnet	the sums due is the TIR Carnet	sums due is the TIR Carnet holder.	the sums due is the TIR Carnet
holder. However, where	holder. However, where	However, and where provided for	holder. However, where
provided for in national	provided for in national	in national legislation, other	provided for in national
legislation, other parties may	legislation, other parties may	parties may also be determined as	legislation, other parties may
also be determined as being	also be determined as being	being liable; these parties could	also be determined as being
liable; these parties could	liable ; these parties could	include the person(s) who	liable; these parties could

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community $proposal^{1}$	Road Transport Union (IRU)	I I I I I I I I I I I I I I I I I I I
include the person(s) who	include the person(s) who	unlawfully removed the goods, who	include the person(s) who
unlawfully removed the goods,	unlawfully removed the goods,	knowingly acquired or held the	unlawfully removed the goods,
who knowingly acquired or held	who knowingly acquired or held	removed goods, or who	who knowingly acquired or held
the removed goods, or who	the removed goods, or who	participated in the removal.	the removed goods, or who
participated in the removal.	<i>participated in the removal</i> .		participated in the removal.
			(Government of the Russian
			Federation).
3. The claim for payment	3. The claim for payment	3. Having complied with the	
of the sums referred to in	of the sums referred to in	requirements of paragraphs 1	
Article 8, paragraphs 1 and 2	Article 8, paragraphs 1 and 2	and 2, the competent authorities	
shall be made to the	shall be made toagainst the	shall have the right to claim	
guaranteeing association at the	guaranteeing association at	payment of the sums mentioned	
earliest three months after the	the earliest three months after	in Article 8 paragraph 1 from the	
date on which the association	the date on which the	guaranteeing association. ¹³	
was notified that the operation			
had not been discharged or	the operation had not been		
that the proof of termination	discharged or that the		
of the TIR operation was	<u>certificate proof</u> of		
falsified or had been obtained	termination of the TIR		
in an improper or fraudulent			
manner and not more than two	falsified or had been obtained		
years after that date. However,			
in cases of TIR operations	manner and not more than		
which, during the above-	two years after that date.		

¹³ Justification by the IRU: This paragraph was initially proposed by the European Community in document ECE/TRANS/WP.30/2007/13. The IRU supported the proposal then and believes it should be reinstated because it provides legal certainty and clarity.

			Γ
European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
mentioned period of two years	However, in cases of TIR		
become the subject of	operations which, during the		
administrative or legal	above-mentioned period of		
proceedings, any claim for	two years become the subject		
payment shall be made within	of administrative or legal		
one year of the date on which	proceedings <u>concerning the</u>		
the decision of the competent	payment obligation of the		
authorities or courts becomes	<u>person referred to in</u>		
enforceable.	<u>paragraph 2</u> , any claim for		
	payment shall be made within		
	one year of the date on which		
	the decision of the competent		
	authorities or courts becomes		
	enforceable.		
Explanatory Notes to Article 11,	Explanatory Notes to Article 11,		Wording of 0.11.3-2 can be
paragraph 3	<u>paragraph 3</u>		improved. (Government of the
0.11-3-1 In deciding	0.11-3-1 In deciding		Russian Federation).
whether or not to release the	whether or not to release the		
goods or vehicle, competent	goods or vehicle, <u>the</u> competent		
authorities should not, when	authorities should not, when		
they have other means in law of	they have other means in law of		
protecting the interests for which	protecting the interests for		
they are responsible, be	which they are responsible, be		
influenced by the fact that the	influenced by the fact that the		
guaranteeing association is liable	guaranteeing association is		
for the payment of duties, taxes	liable for the payment of duties,		
and default interest payable by	taxes and default interest		
the person liable.	payable by the person liable.		
0.11-3-2 The competent			
authorities may inform the	authorities may inform the		
guaranteeing association that	guaranteeing association that		

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
administrative or legal	administrative or legal		
proceedings were initiated and,	proceedings <u>concerning</u> the		
in any event, should provide this	payment obligation were		
information for any proceedings	initiated. and, In any event, the		
that may be completed after the	competent authorities should		
two year time limit.	inform the guaranteeing		
	association of suchprovide this		
	information for any proceedings		
	that may be		
	terminated completed after the		
	two year time limit before that		
	time limit has expired.		
Comment to Article 11,	Comment to Article 11,		Comment to Article 11,
paragraph 3	paragraph 3		paragraph <u>3</u>
Claim for payment of duties and	Claim for payment of duties and		Claim for payment of duties and
taxes	taxes		taxes
Before making a claim for	Before making a claim for		Before making a claim for
payment to the guaranteeing	payment to the guaranteeing		payment to the guaranteeing
association the competent	association the competent		association the competent
authorities should endeavour	authorities should endeavour		authorities should endeavour
during the time scales laid down	during the time scales laid		during the time scales laid
in paragraph 3 of this Article, to	down in paragraph 3 of this		down in paragraph 3 of this
identify the person or persons	Article, to identify the person		Article, to identify the person or
liable as referred to in the	or persons liable as referred to		persons liable as referred to in
comment to Article 11,	in the comment to Article 11,		the comment to Article 11,
paragraph 2.	paragraph 2.		paragraph 2.
The claim for payment should	The claim for payment should		The claim for payment should

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	Outer proposais
be supported by copies of the	be supported by copies of the	Road Transport Chion (IRC)	be supported by copies of the
relevant documentation	relevant documentation		relevant documentation
required to demonstrate the	required to demonstrate the		required to demonstrate the
justification and validity of the	justification and validity of the		justification and validity of the
claim. In cases where part of	claim. In cases where part of		claim. In cases where part of
the goods has been subject to an	the goods has been subject to		the goods has been subject to
irregularity, the competent	an irregularity, the competent		an irregularity, the competent
authorities should apportion the	authorities should apportion		authorities should apportion the
claim for payment of the evaded	the claim for payment of the		claim for payment of the evaded
duties and taxes referred to in	evaded duties and taxes		duties and taxes referred to in
Article 8, paragraphs 1 and 2	referred to in Article 8,		Article 8, paragraphs 1 and 2
accordingly.	paragraphs 1 and 2		accordingly.
Without prejudice to any	accordingly.		Without prejudice to any
national provisions concerning	Without prejudice to any		national provisions concerning
the right of appeal, should the	national provisions concerning		the right of appeal, should the
guaranteeing association obtain	the right of appeal, should the		guaranteeing association obtain
alternative proof of the	guaranteeing association obtain		alternative proof of the
termination of the TIR operation	0		termination of the TIR operation
it should submit the proof to the	1 0 0		it should submit the proof to the
competent authorities who			competent authorities who
notified the non-discharge of the	*		notified the non-discharge of the
TIR operation.	authorities who notified the		<i>TIR operation</i> . (Government of
	non-discharge of the TIR		the Russian Federation).
	operation.		

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
4. The guaranteeing	4. The guaranteeing	4. The claim for payment of	(3)4. The guaranteeing
association shall pay the	association shall pay the	the sums referred to in Article 8,	association without delay
amounts claimed within a	amounts claimed within a	paragraph 1 shall be made to the	informs the international
period of three months from	period of three months from	guaranteeing association at the	organization referred to in
the date when a claim for	the date when a claim for	earliest three months after the	Article 6, paragraph 2 <u>bis</u> of
payment is made upon it, or	payment is made <u>againstupon</u>	date on which the association was	the reception of a claim for
contest the claim in	it, <u>unless itor</u> contests the	notified that the operation had	payment. The international
accordance with the laws of	claim in accordance with the	not been discharged or that the	organization shall have a
the Contracting Party	laws of the Contracting Party	proof of termination of the TIR	period of one month to inform
concerned.	concerned.	operation had been obtained in	the guaranteeing association
		an improper or fraudulent	of its position concerning the
		manner and not more than two	claim for payment. The
		years after that date. However, in	guaranteeing association shall
		cases of TIR operations which,	have a period of three months,
		during the above-mentioned	from the date when the claim
		period of two years become the	for payment is made upon it,
		subject of legal proceedings	in which to pay the amounts
		concerning the payment of the	claimed, or to send to the
		import or export duties and taxes	competent authorities a
		by the person or persons directly	motivated opposition to the
		liable, any claim for payment	claim for payment. If the
		shall be made within one year of	competent authorities
		the date on which the decision of	consider the reasons of the
		the courts becomes enforceable. ¹⁴	opposition as ungrounded,

¹⁴ Justification by the IRU: Based on the explanations provided by the European Community, its proposals were intended to make it clear that no claim can be made against the guaranteeing association before the completion of the legal proceedings. The IRU fully supports the

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
			 they have the right to start [legal] proceedings against the guaranteeing association according to the national legislation (Expert Group on Revision, TRANS/WP.30/GE.2/2005/10). 4. The guaranteeing association shall pay the amounts claimed within a period of three months from the date when a claim for payment is made upon it, or can contest the claim in accordance with the laws of the Contracting Party concerned. (Government of the Russian Federation).

intent of the European Community's proposal but has proposed a text which makes this intention clearer. For clarity it is proposed to elevate part of the Comment relating to the documentary information supporting a claim as an Explanatory Note. Finally, the Comment regarding the need to respect the time limits for notifying non discharged TIR operations would seem more appropriate in this article than in Article 11.1.

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	r r
Explanatory Note to Article 11,	Explanatory Note to Article 11,	Explanatory Notes to Article 11	
paragraph 4	paragraph 4	paragraph 4	
0.11-4 If a guaranteeing	0.11-4 If a guaranteeing	0.11-4-1 In deciding whether	
association is asked, in	association is asked, in	or not to release the goods or	
accordance with the procedure	accordance with the procedure	vehicle, competent authorities	
set out in this Article, to pay the	set out in this Article, to pay the	should not, when they have other	
sums referred to in Article 8,	sums referred to in Article 8,	means in law of protecting the	
paragraphs 1 and 2, and fails to	paragraphs 1 and 2, and fails to	interests for which they are	
do so within the time limit of	do so within the time limit of	responsible, be influenced by the	
three months prescribed by the	three months prescribed by the	fact that the guaranteeing	
Convention, the competent	· 1	association is liable for the	
authorities may rely on national	authorities may rely on national	payment of duties, taxes and	
regulations in requiring payment	regulations in requiring	default interest payable by the	
of the sums in question because	payment of the sums in question	person liable.	
what is involved in such cases is	because what is involved in	0.11-4-2 The competent	
a failure to carry out a contract	such cases is a failure to carry	authorities must, as soon as	
of guarantee entered into by the	out a contract of guarantee	possible, notify the guaranteeing	
guaranteeing association under	entered into by the guaranteeing	association in the event that legal	
national law. The time limits	association under national law.	proceedings have been initiated.	
also apply in the event that the	The time limits also apply in the	Provided this has been done, any	
guaranteeing association, on	event that the guaranteeing	claim against the guaranteeing	
receipt of the claim, consults the	association, on receipt of the	association can only be made	
international organization		following the completion of the	
referred to in Article 6,	organization referred to in	legal proceedings and within the	
paragraph 2 over its position	Article 6, paragraph 2 over its	one year time period mentioned in	
concerning the claim.	position concerning the claim.	paragraph 4.	
		0.11-4-3 The claim for	

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
		payment should be supported by	
		copies of the relevant	
		documentation required to	
		demonstrate the justification and	
		validity of the claim. In cases	
		where part of the goods has been	
		subject to an irregularity, the	
		competent authorities should	
		apportion the claim for payment of	
		the evaded duties and taxes referred	
		to in Article 8, paragraph 1.	
		Comment to Article 11, paragraph	
		<u>4</u>	
		Claim for payment of duties and	
		taxes	
		If the time limit mentioned in	
		paragraph 1 is exceeded, no claim	
		for payment can be made against	
		the national guaranteeing	
		association.	
		Before making a claim for payment	
		to the guaranteeing association the	
		competent authorities should	
		endeavour during the time scales	
		laid down in paragraph 4 to	
		<i>identify the person or persons</i> <i>directly liable as referred to in the</i>	
		comment to Article 11, paragraph	
		2.	
		<i>Without prejudice to any national</i>	
		provisions concerning the right of	

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community $proposal^1$	Road Transport Union (IRU)	ouler proposais
ECE/TRAINS/WF.30/2007/18	Community proposal	· · · · · · · · · · · · · · · · · · ·	
		appeal, should the guaranteeing	
		association obtain alternative proof	
		of the termination of the TIR	
		operation it should submit the	
		proof to the competent authorities	
		who notified the non discharge of	
		the TIR operation.	
5. The sums paid shall be	5. The sums paid shall be	5. The guaranteeing	
reimbursed to the	reimbursed to the	association shall pay the amounts	
guaranteeing association if,	guaranteeing association if,	claimed within a period of three	
within a two year period	within a two year period	months from the date when a	
following the date on which the	following the date on which	claim for payment is made upon	
claim for payment was made	the claim for payment was	it, unless it contests the claim in	
to it, it has been established to	made <u>against</u> to it, it has been	accordance with the laws of the	
the satisfaction of the	established to the satisfaction	Contracting Party concerned.	
competent authorities that no	of the competent authorities	The contestation of the claim can	
irregularity was committed in	-	also take place after the claim	
connection with the TIR	8.	has been paid, if this is permitted	
operation in question. The two		under the laws of the Contracting	
year time limit may be		Party concerned. ¹⁵	
extended in accordance with	Č Č		
national legislation.	with national legislation.		
	with national registation.		

¹⁵ Justification by the IRU: Once again the IRU has proposed some clearer text in order to convey the intention of the European Community's proposal.

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	Other proposals
ECE/ IRANS/ WP.30/2007/18	Community proposar	1	
		Explanatory Note to Article 11,	
		paragraph 5	
		0.11-5 If a guaranteeing	
		association is asked, in accordance	
		with the procedure set out in this	
		Article, to pay the sums referred to	
		in Article 8, paragraph 1, and fails	
		to do so within the time limit of	
		three months prescribed by the	
		Convention, the competent	
		authorities may rely on national	
		regulations in requiring payment of	
		the sums in question because what	
		is involved in such cases is a failure	
		to carry out a contract of guarantee	
		entered into by the guaranteeing	
		association under national law. The	
		time limits also apply in the event	
		that the guaranteeing association,	
		on receipt of the claim, consults the	
		international organization referred	
		-	
		to in Article 6, paragraph 2 over its	
		position concerning the claim.	

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
		6. The sums paid shall be	
		reimbursed to the guaranteeing	
		association if, within a two year	
		period following the date on	
		which the claim for payment was	
		made to it, it has been established	
		to the satisfaction of the	
		competent authorities that no	
		irregularity was committed in	
		connection with the TIR	
		operation in question. The two	
		year time limit may be extended	
		in accordance with national	
		legislation.	
	A	rticle 23	
		The Customs authorities shall	
		not:	
		- require road vehicles,	
		combinations of vehicles or	
		containers to be escorted at	
		the carriers' expense on the	
		territory of their country,	

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
		- require examinations <u>en</u>	
		route of road vehicles,	
		combinations of vehicles or	
		containers and their loads	
		except in special cases. ¹⁶	
		Comment to Article 23	<u>For</u> \$US 50,000 <u>read</u> €60,000
		Escort of road vehicles etc	(Government of Belarus;
		In accordance with Article 4 of the	ECE/TRANS/WP/30/2007/19).
		Convention, goods carried under	
		the TIR procedure shall not be	
		subject to the payment or deposit of	
		import or export duties and taxes	
		whatsoever, even if the duties and	
		taxes at risk exceed the amount of	
		\$US 50,000 for consignments	
		transported under the TIR Carnet.	
		In such cases the Customs	
		authorities in transit countries	
		could however, in conformity with	
		Article 23 of the Convention,	
		require road vehicles,	
		combinations of vehicles or	
		containers to be escorted at the	
		carriers' expense on the territory of	

¹⁶ Justification by the IRU: Increasingly the Customs authorities are applying risk management techniques to enhance the effectiveness and efficiency of Customs controls and the WCO through the Revised Kyoto Convention has provided the internationally recognized standard for risk management. The TIR Convention already provides some risk management techniques (Annexes 9 and 10 for example) but in respect of Customs' control of TIR transports the Convention is virtually silent. Following the precedent established in respect of Customs seals (see Article 19) it is judged appropriate to introduce a reference to another Revised Kyoto Convention/WCO provision which would be beneficial to the application of the TIR procedure.

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
		the country. When assessing the	
		risks involved in a specific TIR	
		operation the Customs authorities	
		should take into consideration all	
		risk management factors and not	
		just the potential amount of duties	
		and taxes involved. In this context	
		the attention of the Customs	
		authorities is drawn to the World	
		Customs Organization's Risk	
		Management Guide which is based	
		on the Standards of Chapter 6 of	
		the General Annex of the Revised	
		Kyoto Convention.	

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
	Α	rticle 28	
		[no change] ¹⁷	
		Explanatory Note to Article 28	Explanatory Note to Article 28
		0.28-2 This article provides that	0.28-1 The use of the TIR
		the termination of a TIR operation	Carnet must be restricted to the
		shall be subject to the goods being	function which it was intended
		placed under another Customs	to cover, namely the transit
		procedure or another system of	operation. The TIR Carnet must
		Customs control. This includes	not, for example, be used to
		clearing the goods for home use	cover the storage of goods under
		(either in full or conditionally), the	Customs control at destination.
		transfer across the border to	Explanatory Note 0.28-2: This
		another country (export) or to a free	Article provides that the
		zone, or the storage of the goods in	termination of a TIR operation
		a place approved by the Customs	shall be subjected to the goods
		authorities while awaiting the	being placed under another
		declaration for another procedure.	Customs procedure or another
			system of Customs control. This
			includes clearing the goods for
			home use (either in full or
			conditionally), the transfer
			across the border to a third
			country (export) or to a free
			zone, or the storage of the goods
			in a place approved by the
			Customs authorities while
			awaiting the declaration for
			another procedure (TIRExB,

¹⁷ Justification by the IRU: The TIRExB has proposed that the text comprising one of the Comments to Article 28 ("Applicable procedures after termination of a TIR operation") should be transposed as a new Explanatory Note to Article 28.

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
			ECE/TRANS/WP.30/2006/2
	<u>A</u>	nnex 8	
	А	rticle 1	
		(i)The Contracting Parties shall be members of the Administrative Committee.(ii)The authorised international organization referred to in Article 6, paragraph 2bis of this Convention and the associations referred to in Article 6, paragraph 1 of this Convention shall attend the sessions of the	
		Committee.	
		(iii) The Committee may decide that the competent	
		administrations of States referred to in Article 52,	
		paragraph 1 of the Convention may, for questions which interest	
		them, attend the sessions of the	

¹⁸ Justification by the IRU: There is a need to distinguish between the situation applying to the authorised international organization and its associations and the other parties who attend the Committee sessions as observers. This text is designed to make that distinction and also to

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
	······) /···/	Committee as observers. ¹⁸	
	Ar	ticle 13	
		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	
		referred to in Article 6. This	
		amount shall be approved by the	
		Administrative Committee.	
		Explanatory Notes to Article 13,	
		paragraph 1	
		8.13.1-1 (No change)	
		8.13.1-2 (No change)	
		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 the 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.	
		2. The procedure to	
		- Protocold VO	

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correct an oversight in the current text.

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
		implement the financing of the	
		operation of the TIR Executive	
		Board and the TIR secretariat	
		shall be approved by the	
		Administrative Committee. ¹⁹	
		Explanatory Note to Article 13,	
		paragraph 2	
		8.13.2 Following consultation with	
		the international organization	
		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 referred	
		to in Article 6. The Agreement	
		shall be approved by the	
		Administrative Committee.	

¹⁹ Justification by the IRU: This text has been taken from document ECE/TRANS/WP.30/AC.2/90/Add.1 (the provisional annotated agenda for the forty fourth session of the Administrative Committee) and has already been approved, in principle, by the Contracting Parties. Its inclusion here is just for completeness.

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
	An	<u>nex 9</u>	
	<u>Pa</u>	art I	
AUTHORIZATIO	N FOR ASSOCIATIONS TO IS	SSUE TIR CARNETS <u>AND TO AS</u>	GUARANTOR ²⁰
	Minimum Conditions and		
	requirements		
	<u>1. The minimum</u>		
	<u>conditions</u> and requirements to be complied with by		
	associations in order to be		
	authorized by Contracting		
	Parties to issue TIR Carnets		
	and <u>to</u> act as guarantor in		
	accordance with Article 6 of		
	the Convention are:		
	(a) Proven existence for at least one year as an		
	least one year as an established association		
	established in the Contracting		
	Party where the authorization		
	is issued.		
	(Explanatory Note to paragraph		
	<u>1 (a) is deleted)</u>		
	(b) Proof of sound		
	(b) Proof of sound financial standing and		
	organizational capabilities		

²⁰ Changes compared to the existing text of Annex 9, Part 1 (TIR Handbook, edition 2007) are <u>underlined</u> and strikethrough.

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
	enabling it to fulfil its		
	obligations under the		
	Convention.		
	(c) Proven knowledge of		
	<u>its staff in the proper</u>		
	application of the		
	Convention Absence of serious		
	of repeated offences against		
	Customs or tax legislation.		
	(d) Establishment of a		
	written agreement or any		
	other legal instrument		
	between the association and		
	the competent authorities of		
	the Contracting Party in		
	which it is established		
	including the acceptance by		
	the association of its duties as		
	set out in paragraph 3 of this		
	Article.		
	<u>2.</u> A certified copy of the		
	written agreement or any		
	other legal instrument		
	referred to under paragraph 1		
	(d) together, if necessary, with		
	a certified translation into		
	English, French or Russian,		

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European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
	shall be deposited with the		
	TIR Executive Board. Any		
	changes shall be immediately		
	brought to the attention of the		
	TIR Executive Board		
	<u>3.</u> <u>The duties of the</u>		
	association are to:		
	(i) <u>shall</u> comply with the		
	obligations laid down in		
	Article 8 of the Convention;		
	(ii) shall accept the		
	maximum sum per TIR		
	Carnet determined by the		
	Contracting Party which may		
	be claimed from the		
	association in accordance with		
	Article 8, paragraph 3 of the		
	Convention;		
	(iii) shall verify		
	continuously and, in		
	particular, before requesting		
	authorization for access of		
	persons to the TIR procedure,		
	the fulfilment of the minimum		
	conditions and requirements		
	by such persons as laid down		
	in Part II of this Annex;		
	(iv) shall married to		
	(iv) shall provide its		

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
	guarantee for all liabilities		
	incurred in the country in		
	which it is established in		
	connection with operations		
	under cover of TIR Carnets		
	issued by itself and by foreign		
	associations affiliated to the		
	same international		
	organization as that to which		
	it is itself affiliated;		
	(v) cover its liabilities to		
	the satisfaction of the		
	competent authorities of the		
	Contracting Parties in which		
	it is established with an		
	insurance company, pool of insurers or financial		
	institution. The insurance or		
	financial guarantee		
	contract(s) shall cover the		
	totality of its liabilities in		
	connection with operations		
	under cover of TIR Carnets		
	issued by itself and by foreign		
	associations affiliated to the		
	same international		

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
	organization as that to which		
	it is itself affiliated.		
	The time to give notice for the		
	termination of the insurance		
	or financial guarantee		
	contract(s) shall be not less		
	than the time to give notice		
	for the termination of the		
	written agreement or any		
	other legal instrument under		
	(e). A certified copy of the		
	insurance or financial		
	guarantee contract(s) as well		
	as all subsequent		
	modifications thereto shall be		
	deposited with the TIR		
	Executive Board, including a		
	certified translation, if		
	necessary, into English,		
	French or Russian;		
	(vi) submit to the		
	competent authorities of each		
	Contracting Party a true and		
	certified copy of the full and		
	integral text of the global		
	insurance contract concluded		
	between the international		
	global insurers (layer three)		
	on the one hand and each of		
	the guaranteeing member		

European Community proposal	Amended European	Proposals by the International	Other proposals	
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)		
	associations affiliated to the			
	international organization			
	authorized under Part III of			
	Annex 9 of the IRU as			
	beneficiaries on the other			
	hand.			
	Comment to paragraph (vi)			
	(a) This contract, to be			
	signed by the representative(s)			
	of the international insurers, the			
	associations and the			
	international organization			
	authorized under Part III of			
	Annex 9IRU, shall cover the			
	totality of the liabilities of the			
	associations to the satisfaction			
	of the competent authorities and			
	shall include all insurance			
	conditions, deadlines and			
	possible reasons for resiliation			р
	of the insurance contract. This			age
	global insurance contract is			page 45
	identical for all national			
	associations participating under			
	the TIR regime. As long as			
	national legislation in one of the			
	Contracting Parties to the			

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
	Convention prohibits signature		
	by national associations as		
	insured parties of the global		
	insurance contract, it is		
	exceptionally admissible, for a		
	temporary period, that the		
	global insurance contract may		
	be concluded and signed by		
	representatives of the		
	international organization		
	authorized under Part III of		
	Annex 9IRU, acting on its own		
	behalf, on behalf of its member		
	associations and third parties,		
	and by representatives of the		
	international insurers only. This		
	temporary provision does not		
	change the responsibilities of		
	the guaranteeing associations as		
	stipulated in the Convention.		
	(b) Certified and approved		
	copies of the global insurance		
	contract mentioned under (a)		
	shall be immediately		
	transmitted to the TIR		
	Executive Board by the		
	competent authorities of each		
	Contracting Party, together		
	with certified copies of the		
	approved written agreement or		
	any other legal instrument		

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	r r
	concluded between the	Roud Humsport Childri (IRC)	
	association and the competent		
	authorities of the Contracting		
	Party, as required in accordance		
	with Annex 9, Part I,		
	paragraph 1 (e) of the		
	Convention.		
	(c) Any modification in the		
	global contract mentioned		
	under (a) must be brought		
	immediately to the attention of		
	the competent authorities of		
	each Contracting Party and to		
	the TIR Executive Board by the		
	associations and the IRU.		
	(d) The time to give notice		
	for the termination of the global		
	insurance contract mentioned		
	under (a) shall be six (6)		
	months.		
	monuly.		

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	1 1
	(vii) shall allow the	· · · · · · · · · · · · · · · · · · ·	
	competent authorities to		
	verify all records and		
	accounts kept relating to the		
	administration of the TIR		
	procedure;		
	(vii <u>i</u>) shall accept a		
	procedure for settling		
	efficiently disputes arising		
	from the improper or		
	fraudulent use of TIR		
	Carnets, <u>whenever possible</u>		
	without recourse to courts;		
	(ix viii) shall agree that any		
	serious or repeated non-		
	compliance with the present		
	minimum conditions and		
	requirements <u>will</u> shall lead to		
	the authorization to issue TIR		
	Carnets being revoked;		
	(ix) shall comply strictly		
	with the decisions of the		
	competent authorities of the		
	Contracting Party in which it		
	is established concerning the		
	exclusion of persons in line		
	with article 38 of the		
	Convention and Part II of this		

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
	annex;		
	(x <u>i</u>) shall agree to		
	implement faithfully all		
	decisions adopted by the		
	Administrative Committee		
	and the TIR Executive Board		
	in as much as the competent		
	authorities of Contracting		
	Parties in which the		
	association is established have		
	accepted them.		
	4. When a guaranteeing		
	association is asked, in		
	accordance with the		
	procedures set out in Article		
	<u>11, to pay the sums referred to</u>		
	in Article 8 paragraphs 1 and		
	2, it shall in accordance with		
	the written agreement		
	referred to in the Explanatory		
	Note to Article 6, paragraph		
	<u>2bis, inform the international</u>		
	organization of the reception		
	of the claim.		

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
	<u>5.</u> Contracting Parties in		
	which the association is		
	established shall <u>have the</u>		
	<u>right to</u> revoke the		
	authorization to issue TIR		
	Carnets in case of serious or		
	repeated non-compliance with		
	these minimum conditions		
	and requirements. <u>Should a</u>		
	Contracting Party decide to		
	revoke the authorization, the		
	decision will become effective		
	at the earliest three (3)		
	months after the date of		
	revocation.		
	<u>6.</u> <u>The authorization of</u>		
	an association under the		
	terms set out above shall be		
	without prejudice to that		
	association's responsibilities		
	and liabilities under the		
	Convention.		
	<u>7.</u> The minimum		
	conditions and requirements		
	laid down above are without		
	prejudice to additional		
	conditions and requirements		
	Contracting Parties may wish		
	to prescribe.		

European Community proposal ECE/TRANS/WP.30/2007/18	Amended European Community proposal ¹	Proposals by the International Road Transport Union (IRU)	Other proposals	
Part III AUTHORIZATION OF AN INTERNATIONAL ORGANIZATION, AS REFERRED TO IN ARTICLE 1 (r) FOR THE ORGANIZATION AND FUNCTIONNING OF AN INTERNATIONAL GUARANTEE SYSTEM AND TO PRINT AND DISTRIBUTE TIR CARNETS <u>Conditions and requirements</u>				
 The conditions and requirements to be complied with by the international organization authorized by the Administrative Committee to take on the responsibility for the organization and functioning of the international guarantee system and to centrally print and distribute TIR Carnets are: (a) Proven existence as an established organization representing the interests of the transport sector. (b) Proof of the sound 	1. The conditions and requirements to be complied with by <u>anthe</u> international organization <u>in order to be</u> authorized by the Administrative Committee to take on the responsibility for the organization and functioning of <u>an_the</u> international guarantee system and to centrally print and distribute TIR Carnets are: (a) Proven existence as an established organization representing the interests of the transport sector. Proof of the sound financial standing of the	 In order to be authorised by the Administrative Committee in accordance with Article 6.2bis, the international organization by signing the Agreement between itself and the UNECE, as mandated by and acting on behalf of the Contracting Parties, accepts (a) To take on the responsibility for the effective organization and functioning of an international guarantee system, and (b) To print and distribute TIR Carnets. 	-	

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
financial standing of the	international guarantee system		
international guarantee system.	and organizational capabilities		
	enabling it to fulfil its		
(c) Proven knowledge of its	obligations under the		
staff in the proper application of	Convention.		
the TIR Convention.			
	(b) Proven knowledge of its		
(d) Absence of serious or	staff in the proper application of		
repeated offences against	the TIR Convention. Absence of		
Customs or tax legislation.	serious or repeated offences		
	against Customs or tax		
(e) Establishment of a written	legislation.		
agreement or any other legal			
instrument between the	(c) Establishment of a written		
organization and the	agreement or any other legal		
Administrative Committee.	instrument between the		
	organization and the		
	Administrative Committee,		
	including the acceptance by the		
	international organization of its		
	duties as set out in paragraph 2		
	of this Article.		
		2. Without prejudice to the	
2. In order to be authorized	2. In order to be authorized	provisions of the TIR Convention,	
by the Administrative	by the Administrative	and in particular to Article 6.2bis	(e) To provide, at the request of
Committee the international	Committee The duties of the	and whilst fully respecting the	the Administrative Committee
organization, in accordance with	international organization are to,	competencies of the Contracting	or the TIRExB, full and
Article 6.2 <u>bis</u> , accepts by signing	in accordance with Article	Parties, the international	complete information on the
the agreement referred to in	6.2bis, accepts by signing the	organization accepts to perform the	functioning of the TIR system,
paragraph 1 (e), to perform the	agreement referred to in	following functions:	provided such request does not
following functions:	paragraph 1 (e), to perform the	÷	infringe legislation concerning

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
(a) To provide the Contracting	following functions:	(a) To provide the Contracting	confidentiality, data protection,
Parties of the TIR Convention	(i) To provide the	Parties of the TIR Convention via	etc.; in case such information
via the national associations	Contracting Parties of the TIR	the national associations affiliated	cannot be given, the
affiliated to the international	Convention via the national	to the international organization	international organization will
organization with certified	associations affiliated to the	with certified copies of the global	specify the legal provisions or
copies of the global guarantee	international organization with	guarantee contract and proof of	other reasons prohibiting the
contract and proof of guarantee	certified copies of the global	guarantee coverage;	exchange of information;
coverage;	guarantee contract and proof of		
	guarantee coverage;	(b) To provide the competent	· · · · · · · · · · · · · · · · · · ·
(b) To provide the competent		bodies of the TIR Convention,	improved
bodies of the TIR Convention	(ii) To provide the competent	being the Administrative	
with information on the rules and	bodies of the TIR Convention	Committee, the TIR Executive	
procedures set out for the issue	with information on the rules	Board and the Working Party on	(l) In accordance with Annex
of TIR Carnets by national	and procedures set out for the	Customs Questions Affecting	10 on the control system for TIR \overline{C}
associations;	issue of TIR Carnets by national	Transport (WP.30), with	Carnets, to manage such a
(c) To provide the competent	associations;	information on the rules and	control system with national
bodies of the TIR Convention, on	(iii) To -provide the competent	procedures set out for the issue of	guaranteeing associations
a yearly basis, with global data	bodies of the TIR Convention,	TIR Carnets by national	affiliated to the international
of claims lodged, paid and	on a yearly basis, with global	associations;	organization and the Customs
pending;	data of claims lodged, paid and		authorities and to inform the
pending,	pending;	(c) To provide the competent	Contracting Parties and the
(d) To provide the competent	Pending,	bodies of the TIR Convention, on a	competent body or bodies of the TIR Convention of significant
bodies of the TIR Convention	(iv) To-provide the competent	yearly basis, with global data of	problems encountered in the
with timely and well founded	bodies of the TIR Convention	claims lodged, paid and pending;	system;
information on trends in the	with timely and well founded		(Government of the Russian
number of non-terminated TIR	information on trends in the	(d) To provide the competent	
		(d) To provide the competent	

	<u>I</u>		
European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
operations, claims lodged or	number of non-terminated TIR	bodies of the TIR Convention with	
pending that might give rise to	operations, claims lodged or	timely and well founded	
concerns with regard to the	pending that might give rise to	information on trends in the	
proper functioning of the TIR	concerns with regard to the	number of non-terminated TIR	
system or that could lead to	proper functioning of the TIR	operations, claims lodged or	
difficulties for the continued	system or that could lead to	pending that might give rise to	
operation of its guarantee	difficulties for the continued	concerns with regard to the proper	
system;	operation of its guarantee	functioning of the TIR system or	
	system;	that could lead to difficulties for the	
(e) To provide the competent		continued operation of its guarantee	
bodies of the TIR Convention	(v) To provide the competent	system;	
with statistical data on the	bodies of the TIR Convention		
number of TIR Carnets	with statistical data on the	(e) To provide the competent	
distributed to each Contracting	number of TIR Carnets	bodies of the TIR Convention with	
Party;	distributed to each Contracting	statistical data on the number of	
	Party;	TIR Carnets distributed to each	
(f) To provide, at the request		Contracting Party;	
of the TIRExB, full and	(vi) To p rovide, at the		
complete information on the	request of the <u>Administrative</u>	(f) To provide, at the request of	
functioning of the TIR system,	Committee for the TIR	the TIR Executive Board, full and	
provided such request does not	<u>Convention</u> or the TIR	complete information on the	
infringe legislation concerning	Executive Board, full and	functioning of the TIR system,	
confidentiality, data protection,	complete information on the	provided such a request does not	
etc.; in case such information	functioning of the TIR system,	infringe legislation concerning	
cannot be given, the	provided such request does not	confidentiality, data protection,	
international organization will	infringe legislation concerning	etc.; in case such information	
specify the legal provisions or	confidentiality, data protection,	cannot be given, the international	
other reasons prohibiting the exchange of information;	etc.; in case such information	organization will specify the legal	
exchange of information;	cannot be given, the international organization will	provisions or other reasons	
	specify the legal provisions or	prohibiting the exchange of	
	specify the legal provisions of	information;	

			0.1 1
European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
(g) To provide the TIRExB	other reasons prohibiting the		
with details of the issuing price	exchange of information;	(g) To provide the TIR	
by the international organization	(vii) To provide the TIR	Executive Board with details of the	
of each type of TIR Carnet;	Executive Board with details of	distribution price by the	
	the issuing price by the	international organization of each	
(h) To take all reasonable	international organization of	type of TIR Carnet;	
steps to reduce the risk of	each type of TIR Carnet;		
counterfeiting TIR Carnets;		(h) To take all reasonable steps	
	(viii) To take all	to reduce the risk of counterfeiting	
(i) To take the appropriate	possiblereasonable steps to	TIR Carnets;	
corrective action in cases where	reduce the risk of		
faults or deficiencies with the	counterfeiteding TIR Carnets;	(i) To take the appropriate	
TIR Carnet, have been detected;		corrective action in cases where	
	(ix) To-take the appropriate	faults or deficiencies with the TIR	
(j) To fully participate in	corrective action in cases where	Carnet, have been detected;	
cases where the TIRExB is	faults or deficiencies with the	, , , , , , , , , , , , , , , , , , , ,	
called upon to facilitate the	TIR Carnet, have been detected;	(j) To provide the appropriate	
settlement of disputes;		electronic interface to enable TIR	
	(x) To -fully participate in	Carnet Holders to submit their TIR	
(k) To ensure that any	cases where the TIR Executive	Carnet declaration data using a data	
problem involving fraudulent	Board is called upon to facilitate	processing technique in accordance	,
activities or other difficulties,	the settlement of disputes;	with internationally agreed	
with regard to the application of		standards and data requirements.	
the TIR Convention, is	(xi) To ensure that any	standards and data requirements.	
immediately brought to the	problem involving fraudulent	(k) To fully participate in cases	
attention of the TIRExB;	activities or other difficulties,	where the TIR Executive Board is	
	with regard to the application of	called upon to facilitate the	
(l) In accordance with Annex		cance upon to racintate tile	

	1	11	
European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
10 on the control system for TIR	the TIR Convention, is	settlement of disputes;	
Carnets, to manage such a	immediately brought to the		
control system with national	attention of the TIR Executive	(l) To ensure that any problem	
guaranteeing associations	B <u>oard;</u>	involving fraudulent activities or	
affiliated to the international		other difficulties, with regard to the	
organization and the Customs	(xii) In accordance with Annex	application of the TIR Convention,	
authorities and to inform the	10 on the control system for	is immediately brought to the	
Contracting Parties and the	TIR Carnets, to manage thesuch	attention of the TIR Executive	
competent body or bodies of the	a control system for TIR	Board;	
TIR Convention of significant	Carnets provided for in Annex		
problems encountered in the	<u>10 together</u> with national	(m) To manage, in accordance	
system;	guaranteeing associations	with Annex 10 on the control	
	affiliated to the international	system for TIR Carnets, such a	
(m) To provide the competent	organization and the Customs	control system with national	
bodies of the TIR Convention	authorities and to inform the	guaranteeing associations affiliated	
with statistics and data on the	Contracting Parties and the	to the international organization	
performances of Contracting	competent body or bodies of the	and the Customs authorities and to	
Parties with regard to the control	TIR Convention of significant	inform the Contracting Parties and	
system;	problems encountered in the	the competent bodies of the TIR	
	system;	Convention of significant problems	
(n) To seek continuously to		encountered in the system;	
enhance the control system in	(xiii) To -provide the competent	(n) To provide the competent	
order to improve its efficiency as	bodies of the TIR Convention	bodies of the TIR Convention with	
a risk management and anti-fraud	with statistics and data on the	statistics and data on the	
tool;	performances of Contracting	performances of Contracting Parties	
	Parties with regard to the	with regard to the control system	
(o) To be available for	control system provided for in	referred to in (m) above;	
meetings with the TIRExB, the	<u>Annex 10;</u>	(o) To seek continuously to	
TIR Secretary, the TIR		enhance the control system referred	
secretariat and other key	(xiv) To-seek continuously to	to in (m) above in order to improve	
organizations, active in the field	enhance the control system	its efficiency and effectiveness as a	
		ns enterency and enteenveness as a	

ECETRANS/WP.30/2007/18Community proposalRoad Transport Union (IRU)of TIR;provided for in Annex 10 in order to improve its efficiency as a risk management and anti- fraud tool;risk management and anti-fraud tool;(p) To offer its good offices and experiences to support the training of interested parties, e.g. national associations.meetings with the TIR Executive Board, the TIR Secretary, the TIR secretariat and other key organizations, active in the field of TIR;(p) To offer its good offices and experiences to support the training of interested parties, e.g. national associations.(q) To offer its good offices and experiences to support the training of interested parties, e.g. national associations.3. When a guaranteeing association is asked, in accordance with the procedures set out in Article 11, to pay the sums referred to in Article 8, paragraph 1 it it shall, in accordance with the written3. The international organization of three months, as paragraph 1 it it shall, in accordance with the written3. The international organization for payment, it shall, with sums referred to in Article 11, paragraph 4, inform the guaranteeing accordance with the written3. The onternational organization for a prescribed Article 11, paragraph 4, inform the guaranteeing accordance with the written3. The international organization for a claim for payment, it shall, with 4, inform the guaranteeing accordance with the written	European Community proposal	Amended European	Proposals by the International	Other proposals
(p) To offer its good offices and experiences to support the training of interested parties, e.g. national associations.order to improve its efficiency as a risk management and anti- fraud tool;tool;(p) To be available for meetings with the TIR Executive Board, the TIR Secretary, the TIR secretariat and other key organizations, active in the field of TIR;(p) To be available for meetings with the TIR Secretary, the TIR Secretariat and other key organizations, active in the field of TIR;(q) To offer its good offices and experiences to support the training of interested parties, e.g. mational associations.(q) To offer its good offices and experiences to support the training of interested parties, e.g. mational associations.(q) To offer its good offices and experiences to support the training of interested parties, e.g. mational associations.(q) To offer its good offices and experiences to support the training of interested parties, e.g. mational associations.3. The international organization shall meet the following conditions: (a) Proven existence as an established international organization representing the			1 1	
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 and experiences to support the training of interested parties, e.g. national associations. fault tool; fault dool; fault		order to improve its efficiency	tool;	
training of interested parties, e.g. national associations.cmeetings with the TIR Executive Board, the TIR Secretary, the TIR secretariat and other key organizations, active in the field of TIR;meetings with the TIRES Secretary, the TIR secretariat and other key organizations, active in the field of TIR;meetings with the TIRES Secretary, the TIR secretariat and other key organizations, active in the field of TIR;meetings with the TIRES Secretary, the TIR secretariat and other key organizations, active in the field of TIR;(p)To offer its good offices and experiences to support the training of interested parties, e.g. national associations.(q)To offer its good offices and experiences to support the training of interested parties, e.g. national associations.3.When a guaranteeing accordance with the procedures set out in Article 11, to pay the sums referred to in Article 8, paragraph 1 it shall, in accordance with the written3.When the international organization is informed by a suma referred to in Article 8, in a period of three months, as prescribed Article 11, paragraph 4, inform the guaranteeing3.The(a)Proven existence as an established organization representing the		e		
national associations.(xv) To be available for meetings with the TIR Executive Board, the TIR Secretary, the TIR secretariat and other key organizations, active in the field of TIR;Secretary, the TIR Secretariat other key organizations, active in the field of TIR;(q) To offer its good offices and experiences to support the training of interested parties, e.g. national associations.(q) To offer its good offices and experiences to support the training of interested parties, e.g. national associations.(q) To offer its good offices and experiences to support the training of interested parties, e.g. national associations.3. When a guaranteeing association is asked, in accordance with the procedures set out in Article 11, to pay the sums referred to in Article 8, paragraph 1 it shall, in accordance with the written3. When the international organization is informed by a guaranteeing association of a claim for payment, it shall, with in a period of three months, as prescribed Article 11, paragraph 4, inform the guaranteeing accordance with the written3. The international organization shall meet the following conditions: (a) Proven existence as an established international organization representing the		fraud tool;		
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ExecutiveBoard, the TIR Secretary, the TIR secretariat and other key organizations, active in the field of TIR;the field of TIR;(p)To offer its good offices and experiences to support the training of interested parties, e.g. national associations.(q)To offer its good offices and experiences to support the training of interested parties, e.g. national associations.3.When a guaranteeing association is asked, in accordance with the procedures set out in Article 11, to pay the sums referred to in Article 8, paragraph 1 it shall, in accordance with the written3.When the international organization is informed by a guaranteeing association of a claim for payment, it shall, with in a period of three months, as prescribed Article 11, paragraph 4, inform the guaranteeing3.The(a)Proven existence as an established organization representing the	national associations.			
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and experiences to support the training of interested parties, e.g. national associations.3. When a guaranteeing association is asked, in accordance with the procedures set out in Article 11, to pay the sums referred to in Article 8, paragraph 1 it shall, in accordance with the written3. When the international organization is informed by a guaranteeing association of a claim for payment, it shall, with in a period of three months, as prescribed Article 11, paragraph 4, inform the guaranteeing3. The international organization shall meet the following conditions:(a) Proven existence as an established international organization representing the		(p) To offer its good offices	U 1 0	
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accordance with the procedures set out in Article 11, to pay the sums referred to in Article 8, paragraph 1 it shall, in accordance with the writtenguaranteeing association of a claim for payment, it shall, with in a period of three months, as prescribed Article 11, paragraphfollowing conditions:(a)Proven existence as an established international organization representing the	8 8			
set out in Article 11, to pay the sums referred to in Article 8, paragraph 1 it shall, in accordance with the writtenclaim for payment, it shall, with in a period of three months, as prescribed Article 11, paragraph 4, inform the guaranteeing(a)Proven existence as an established organization representing the	,	•	0	
sums referred to in Article 8, paragraph 1 it shall, in accordance with the writtenin a period of three months, as prescribed Article 11, paragraph 4, inform the guaranteeing(a)Proven existence as an established organization representing the	-		following conditions:	
paragraph1itshall, inprescribed Article 11, paragraphestablishedinternationalaccordancewiththewritten4, informtheguaranteeingorganizationrepresentingthe				
accordance with the written 4, inform the guaranteeing organization representing the		-		
agreements referred to in association of its position interests of the transport sector.				
agreements referred to in <u>association of its position</u> interests of the transport sector. Explanatory Note 06.2 <u>bis</u> of concerning the claim.—a	6	-	interests of the transport sector.	
Annex 6, inform the guaranteeing association is (b) Proven existence of the		6	(b) Proven existence of the	
international organization of the asked, in accordance with the financial coverage of the	,	•		

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
reception of the claim. The	procedures set out in Article 11,	international chain of guarantee (by	
international Organization shall,	to pay the sums referred to in	means of the certified and approved	
within a time period of three	Article 8, paragraph 1 it shall, in	copy of the global guarantee	
months as prescribed in Article	accordance with the written	contract referred to in Part I,	
11, paragraph 5 for payment of	agreements referred to in	paragraph 1 (f) (v) of this Annex.	
the claim by the guaranteeing	Explanatory Note 06.2bis of		
association, inform the	Annex 6, inform the	(c) Proven knowledge and	
guaranteeing association of its	international organization of the	experience of the international	
position concerning the claim.	reception of the claim. The	organization in the proper	
	international Organization shall,	application of the Convention.	
	within a time period of three		
	months as prescribed in Article	(d) Absence of serious or	
	11, paragraph 5 for payment of	repeated offences against Customs	
	the claim by the guaranteeing	or tax legislation in the country of	
	association, inform the	establishment.	
	guaranteeing association of its		
	position concerning the claim.		

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
4. The Administrative	4. The Administrative	4. The international	4. The Administrative
Committee shall revoke the	Committee shall have the right	organization shall agree to	Committee shall have the right
authorization in case of serious	to revoke the authorization	implement faithfully all decisions	to revoke the authorization in
or repeated non-compliance	granted in accordance with	adopted by the Administrative	case of serious or repeated non-
with these conditions and	Article 6, paragraph 2bis of the	Committee and the TIR Executive	compliance with these
requirements. Should the	<u>Convention</u> in case of serious	Board.	conditions and requirements.
Administrative Committee	or repeated non-compliance		Should the Administrative
decide to revoke the	with these conditions and		Committee decide to revoke the
authorization the decision will	requirements. Should the		authorization the decision will
become effective at the earliest	Administrative Committee		become effective at the earliest
six (6) months after the date of	decide to revoke the		six (6) months after the date of
revocation.	authorization, the decision will		revocation. (Government of the
	become effective at the earliest		Russian Federation).
	six (6) months after the date of $\frac{1}{2}$		
	revocation.		
5. The authorization of an	5. The authorization of an	5. The authorization of an	
international organization under	international organization under	international organization under the	
the terms set out above shall be	the terms set out above shall be	terms set out above shall be without	
without prejudice to that	without prejudice to that	prejudice to that organization's	
organization's responsibilities	organization's responsibilities	responsibilities and liabilities under	
and liabilities under the	and liabilities under the	the Convention.	
Convention.	Convention.		

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European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
		6. In case the Administrative	
		Committee decides to revoke the	
		authorization in accordance with	
		Article 6.2 <u>bis</u> of the Convention,	
		the decision will become effective	
		at the earliest six (6) months after	
		the date of revocation. ²¹	
	<u>A</u>	<u>nnex 11</u>	
TIR CARNET	DATA FURNISHED BY ME	EANS OF A DATA PROCESSING T	TECHNIQUE
		By virtue of Articles 1 (s) and 3 (b)	
		of the Convention it is permitted	
		that some of the information	
		contained in the TIR Carnet may,	
		additionally, be furnished by means	
		a data processing technique. In	
		order to ensure legal certainty and	
		consistency for all the parties	
		concerned it is essential that	
		Contracting Parties apply	
		internationally agreed data	
		requirements and standards for	
		submitting the data.	
		suomnung me uata.	

 $^{^{21}}$ Justification by the IRU: This proposed text is in line with the IRU's earlier proposal set out in document ECE/TRANS/WP.30/2006/6. The earlier proposal has been augmented in order to reflect the development of the means to enable TIR Carnet Holders to submit the TIR Carnet declaration data electronically.

European Community proposal	Amended European	Proposals by the International	Other proposals
ECE/TRANS/WP.30/2007/18	Community proposal ¹	Road Transport Union (IRU)	
		The data to be furnished shall	
		comprise the following elements:	
		-	
		These data elements must comprise	
		a standard data set which can be	
		transmitted electronically in a	
		standard and secure manner to any	
		Contracting Party to the TIR	
		Convention using a common	
		message format. ²²	

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²² Justification by the IRU: It is proposed that the data elements to be furnished and the standards to be applied shall be determined by the competent bodies in the context of the development of Chapters 3 and 4 of the Reference Model for the eTIR project.