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INLAND TRANSPORT COMMITTEE

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Administrative Committee for the TIR Convention, 1975
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Item 7 (b) 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 secretariat¹

1. At its 123rd session, the Working Party reviewed the text of the amendment proposals to Annex 9, Part I, contained in Informal document WP.30 No. 6 (2009), with a slightly amended wording for Article 3 (vi) proposed by the secretariat. After extensive discussion, the Working Party decided that the above provision should read: "provide the TIR Executive Board annually, as per 1 March, with the price of each type of TIR Carnets it issues." IRU reiterated its opposition to this

¹ The present document has been submitted after the official document deadline due to resource constraints.
GE.09-25614

proposal. Finally, the Working Party requested the secretariat to submit the amendment proposals in the appropriate format as an official document in all working languages for adoption at its next session (ECE/TRANS/WP.30/246, paragraph 28).

2. This document contains in Annex I the precise wording of the legal amendment proposals to amend Annex 9, Part I of the Convention, in the presentation format prescribed by the United Nations. Amendment proposals involving comments are contained in Annex II.

Annex I

Amendment proposals for approval by the Working Party on Customs Questions affecting Transport (WP.30) and adoption by the Administrative Committee for the TIR Convention (AC.2)

Annex 6, Explanatory Note 9.I.1 (a)

Delete Explanatory Note

Annex 9, Part I, title

At the end of the title insert AND TO ACT AS GUARANTOR

Annex 9, Part I, subtitle

At the beginning of the subtitle delete Minimum

Annex 9, Part I, paragraph 1, first line

After The delete minimum

Annex 9, Part I, paragraph 1 (a)

For established association representing the interests of the transport sector read association established in the Contracting Party where the authorization is issued

Annex 9, Part I, paragraph 1 (b)

For it read the association

Annex 9, Part I, paragraph 1 (c)

Delete paragraph

Annex 9, Part I, paragraphs 1 (d), (e)

Renumber paragraph 1 (d) and (e) to become paragraph 1 (c) and (d)

Annex 9, Part I, new paragraph 1 (d)

For the existing text read

- (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.

Annex 9, Part I, new paragraph 1 (d)

After new paragraph 1 (d) insert a new paragraph 2 to read

2. 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, shall be deposited with the TIR Executive Board. Any changes shall be immediately brought to the attention of the TIR Executive Board.

Annex 9, Part I, paragraph 1 (f)

Replace the existing text of paragraph 1 (f) by new paragraphs 3 and 4 to read

3. The duties of the association are to:
- (i) comply with the obligations laid down in Article 8 of the Convention;
 - (ii) accept the maximum sum per TIR Carnet determined by the Contracting Parties which may be claimed from the association in accordance with Article 8, paragraph 3 of the Convention;
 - (iii) verify continuously and, in particular, before requesting authorization for access of persons to the TIR procedure, the fulfilment of the minimum conditions and requirements as laid down in Part II of this Annex;
 - (iv) provide its guarantees 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 Party 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 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 as referred to in paragraph 1 (d). A certified copy of the insurance or financial 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) provide the TIR Executive Board, annually, as per 1 March, with the price of each type of TIR Carnets it issues;
- (vii) allow the competent authorities to verify all records and accounts kept relating to the administration of the TIR procedure;
- (viii) accept a procedure for settling efficiently disputes arising from the improper or fraudulent use of TIR Carnets, whenever possible without recourse to courts;
- (ix) comply strictly with the decisions of the competent authorities of the Contracting Party in which it is established concerning the revocation of the authorization or the exclusion or withdrawal of persons in line with Article 6 and Article 38 of the Convention and Part II of this Annex;
- (x) agree to implement faithfully all decisions adopted by the Administrative Committee and the TIR Executive Board in as much as the competent authorities of the Contracting Party in which the association is established have accepted them.

4. When a guaranteeing association is asked, in accordance with the procedure set out in Article 11, to pay the sums referred to in Article 8, paragraphs 1 and 2, it shall, in accordance with the written agreement referred to in Explanatory Note 0.6.2**bis**-1 to Article 6, paragraph 2 **bis**, inform the international organization of the reception of the claim.

Annex 9, Part I, paragraphs 2, 3 and 4

Renumber the existing paragraphs 2, 3 and 4 to become paragraphs 5, 6 and 7

Annex 9, Part I, new paragraph 5

For the existing text read

5. The Contracting Party in which the association is established shall revoke the authorization to issue TIR Carnets and to act as guarantor in case of non-compliance with these conditions and requirements. Should a Contracting Party decide to revoke the authorization, the decision shall become effective at the earliest three (3) months after the date of revocation.

Annex 9, Part I, new paragraph 6

For Authorization read The authorization

Annex 9, Part I, new paragraph 7

After The delete minimum

Annex II

**Proposals for comments for adoption by the Working Party on Customs Questions
affecting Transport (WP.30) and endorsement by the Administrative Committee for the
TIR Convention (AC.2)**

Annex 9, Part I, comment to paragraph 1 (f) (v)

Delete comment
