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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions

affecting Transport

(One-hundred-and-sixth session, 3-6 February 2004,
agenda item 7 (b) (ii))

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

Revision of the Convention

Preparation of Phase III of the TIR revision process

Revision of the TIR Carnet

Best practices concerning documentation required in the course of a TIR transport

Note by the secretariat

A. BACKGROUND

1. The Working Party, at its one-hundred-and-third session, considered document TRANS/WP.30/2003/3 prepared by the secretariat, containing the following proposal of best practices concerning documentation required in the case of a TIR transport:

"Information and documentation, other than the TIR Carnet, that may be required by the Customs in connection with a TIR transport

Where the Customs authorities require additional documentation in connection with a TIR transport, this should not be required to contain more than the information necessary to identify the goods and the road vehicles. The Customs should limit their information requirements to that available in carriers' normal documentation (CMR consignment note, packing list, invoice, if any, etc.) and should base their requirements on those set out in the relevant international transport agreements, such as, for instance, the CMR Convention, 1956. Any commercial or transport document used by the Customs authorities should be identified by indication of the relevant TIR Carnet(s) number(s) and stamped by the Customs."

2. After an in-depth discussion, which in particular focused on the status of the documents and the responsibility of the holder of a TIR Carnet for information provided in additional documents, the Working Party requested the IRU to prepare a document for its next session containing a proposal to amend the proposal with a view to limiting the responsibility of the holder for information contained in documents submitted to Customs authorities (TRANS/WP.30/206, para. 31).

3. Following that request, the IRU prepared document TRANS/WP.30/2003/18 with a proposal to complement the above wording with the following sentence:

"However, the carrier shall not be penalized or sanctioned only by reason of the inaccuracy or inadequacy of the information provided in the above-mentioned documents as long as the TIR operation is a regular one."

4. At its one-hundred-and-fourth session, the Working Party took note of this proposal and decided to postpone the discussion of this point of the agenda as several delegations were not in a position to decide on this issue. In the interim period, the secretariat, in co-operation with the IRU, was requested to consider how to address the concerns raised by the IRU (TRANS/WP.30/206, para. 27).

B. MODIFIED PROPOSAL BY THE SECRETARIAT

5. Following consultations with the IRU and also taking into account comments made by delegations at sessions of the Working Party, the secretariat proposes to amend the above example of best practice to read as follows:

"Information and documentation, other than the TIR Carnet, that may be required by Customs offices en route in connection with a TIR transport

For purposes of control, the Customs offices en route are recommended to use mainly the TIR Carnet, being a Customs transit declaration. Where the Customs authorities en route require additional documentation in connection with a TIR transport, this should not be required to contain more than the information necessary to identify the goods and the road vehicles. The Customs should base their requirements on those set out in the relevant international transport agreements, such as, for instance, the Convention on the Contract for the International Carriage of Goods by Road (CMR) of 19 May 1956 and should limit their information requirements to those available in carriers' normal documentation (CMR consignment note, packing list, if any, etc.). The Customs authorities are also recommended, in case of communications in relation to possible irregularities, not to rely solely on additional documentation."
