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**ECONOMIC COMMISSION FOR EUROPE**

INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting Transport

(Ninety-fifth session, 19-23 June 2000,  
agenda item 5 (d) (iv) )

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

**Application of the Convention**

**Proposal for amendment to Article 3 of the Convention**

**Note by the UN/ECE secretariat**

**A. MANDATE AND INTRODUCTION**

1. At its ninety-fourth session (21-25 February 2000), the Working Party recalled that, at earlier sessions, it had considered and not found consensus on an interpretation of Article 3 of the Convention. The Working Party was of that view that to arrive at a harmonised application of the Convention the provisions of Article 3 had to be amended and that such amendment could be based on the draft comment prepared earlier by the secretariat stating that it is acceptable to apply the TIR procedure for the transport of buses and trucks whether unloaded or loaded being driven by own means as these vehicles themselves could be regarded as "goods" transported under the TIR procedure (TRANS/WP.30/R.191). The Working Party requested on that basis the secretariat to prepare a proposal for an amended text of Article 3 for consideration at the June session of the Working Party (TRANS/WP.30/188, para. 52-53).

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## **B. BACKGROUND**

2. Relevant background material on the issue is contained in the following documents:  
TRANS/WP.30/184; TRANS/WP.30/R.191; TRANS/WP.30/178.

## **C. DRAFT COMMENT PREPARED EARLIER BY THE UN/ECE SECRETARIAT**

3. The proposal made earlier by the ECE secretariat was to insert the following comment in the TIR Handbook:

Replace the existing comment to Article 3 by the following comment:

“Comment

Road vehicles regarded as goods in a transit operation

Occasionally, special road vehicles, such as cranes, sweepers, concrete-laying machines, etc., but exceptionally also buses and normal trucks with or without cargo, exported to third countries are driven on their own wheels to the point of delivery. Vehicles of this kind are regarded as goods in a transit operation and a TIR Carnet may legitimately be issued in such cases. The provisions of article 29, particularly paragraph 3 apply. A certificate of approval is not required for such vehicles  
TRANS/GE.30/10, paras. 14-17.

Add the same comment to article 29.

## **D. PROPOSAL FOR AMENDMENT OF ARTICLE 3 BASED ON THE COMMENT**

4. Different fonts have been used to show the nature of the text affected:

Normal:                    Unchanged provisions of Article 3 of the Convention  
***Bold and Italics:***       Amendments proposed by the secretariat based on the earlier proposed comment.

### Article 3

For the provisions of this Convention to become applicable:

- (a) the transport operation must be performed
- (i) by means of road vehicles, combinations of vehicles or containers previously approved under the conditions set forth in Chapter III (a), or

(ii) by means of other road vehicles, other combinations of vehicles or other containers under the conditions set forth in Chapter III (c), or

**(iii) *by road vehicles or special vehicles such as buses, cranes, sweepers, concrete-laying machines etc. exported and therefore themselves considered as goods travelling by own means from a Customs office of departure to a Customs office of destination under the conditions set forth in Chapter III (c). In case such vehicles are carrying other goods, the conditions as referred to under (i) or (ii) above shall apply accordingly;***

(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 this Convention.

Replace the existing comment to Article 3 (TRANS/GE.30/10 para. 14-17) by the following comment which also replaces the earlier proposal made by the secretariat ( TRANS/WP.30/R.191).

**Comment**

***If road vehicles or special vehicles regarded themselves as heavy or bulky goods are carrying other heavy or bulky goods so that both vehicle and goods at the same time fulfil the conditions set forth in Chapter III(c) of the Convention, only one TIR Carnet is needed bearing at the cover and all vouchers of the TIR Carnet the endorsement set forth in Article 32 of the Convention. If such vehicles are carrying normal goods in the load compartment or in containers, the vehicle or the containers must be previously approved under the conditions set forth in Chapter III(a) and the load compartment or the containers have to be sealed. Also an additional Carnet has to be used for such transports.***

Add the same comment to article 29.

5. The above amendment proposals not only clarify that the use of TIR Carnets is allowed for cases where all kind of vehicles considered as goods are travelling by own means they also have taken into consideration that such vehicles might themselves transport other goods and therefore have to fulfil different provisions laid down in the Convention depending of the goods transported.

6. The Working Party may wish to consider the above proposal with a view to its adoption and transmission to the Administrative Committee for the TIR Convention, 1975 for endorsement.

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