National TIR Seminar in Republic of Serbia
(Belgrade, 13 December 2006)

Accidents and force-majeure

United Nations
Economic Commission for Europe
ACCIDENTS AND FORCE-MAJEURE

• What is force majeure?
• Article 41: duties and taxes are waived if the goods have been destroyed or lost by accident or force majeure or that they are short by reason of their nature
• National legislation also applies
• Three objects that can be affected:
  - Customs seals – if broken, the Certified Report of the TIR Carnet should be filled-in
  - Goods – if destroyed or damaged, the certified report of the TIR Carnet should be filled-in
  - Road vehicle (load compartment or container) – in case of serious damage, box 10 of the Certificate of Approval should be filled-in
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• Legal basis:
  - Articles 25 and 41
  - part C of the Rules regarding the use of the TIR Carnet (Annex 1 to the Convention)
  - Annex 3, Articles 19 – 22

• What the transport operator should do:
  - immediately contact the Customs authorities, if there are any near at hand, or, if not, any other competent authorities of the country (e.g., road police)
  - in the event of imminent danger – undertake actions to rescue the whole or part of the load, then inform the above mentioned authorities and furnish proof of emergency
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• What the Customs authorities should do:
  - make sure that an accident or force majeure have indeed taken place
  - if appropriate, fill in the certified report
  - if appropriate, fill in box 10 of the Certificate of Approval
  - take a decision if the TIR transport may be continued by the same road vehicle
  - if not, be present in the course of transfer of the load to another vehicle
  - affix new Customs seals
THANK YOU