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**ADMINISTRATIVE COMMITTEE  
FOR THE TIR CONVENTION, 1975**

**TIR Executive Board (TIRExB)**

(Twenty-seventh session, 17-19 October 2005,  
agenda item 3)

**AMENDMENT PROPOSALS MADE IN THE FRAMEWORK OF THE TIR  
REVISION PROCESS**

**Article 41**

**Note by the TIR Secretary**

**A. BACKGROUND**

1. At its twenty-sixth session, when discussing the proposal to amend Article 41, the TIRExB assessed that there seems to be a discrepancy between the French text (“merchandises marquantes” and the English text (“goods which are short”), which may need to be addressed. It may be that the English word ‘short’ is too limited in scope and would not allow goods which by nature lose weight in the course of time (e.g. coffee) to profit from the provision of Article 41. The text may benefit from replacing ‘short’ by ‘missing’. The Russian speaking members of the Board remarked that such change in the English text would not change (or improve) the Russian text. The TIRExB requested the secretariat to study the apparent linguistic inconsistency in the English and French text and to draft a new proposal, also taking account of possible repercussions of any change to the Russian version of the text (TIRExB/REP/2005/26draft, para. 17).

## **B. THE TEXT OF ARTICLE 41 IN ENGLISH, FRENCH AND RUSSIAN**

### **Article 41**

**When it is established to the satisfaction of the Customs authorities that goods specified on the manifest of a TIR Carnet have been destroyed or have been irrecoverably lost by accident or force majeure or that they are short by reason of their nature, payment of the duties and taxes normally due shall be waived.**

### **Article 41**

**Lorsqu'il est établi à la satisfaction des autorités douanières que les marchandises reprises au manifeste d'un Carnet TIR ont péri ou ont été irrémédiablement perdues par accident ou par force majeure, ou qu'elles sont manquantes pour des causes tenant à leur nature, la dispense de paiement des droits et taxes normalement exigibles sera accordée.**

### **Статья 41**

**Если таможенные органы признают достаточными доказательства того, что груз, указанный в манифесте книжки МДП, погиб или безвозвратно потерян в результате дорожно-транспортного происшествия или при обстоятельствах, вызванных непреодолимой силой, или что недостача является результатом причин, свойственных грузу, то они освобождают от уплаты обычно причитающихся пошлин и сборов.**

## **C. CONSIDERATIONS BY THE SECRETARIAT**

2. The secretariat considers that the crucial part of the issue at stake lies more in the words 'nature of the goods' than in the fact whether or not to describe any difference in goods between beginning and end of the transport as 'short', 'missing' or 'lost'. Therefore, and in view of the fact that, apparently, the other language versions do not give rise to any miscomprehension, the secretariat proposes to leave the English text of the provision unchanged.

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