



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

TIR Executive Board (TIRExB)

(Thirty-first session, 25 and 26 January 2007,
agenda item 5)

TRACTOR UNITS IN THE FRAMEWORK OF THE TIR CONVENTION

Note by the TIR Secretary

A. BACKGROUND

1. The TIRExB, at its twenty-ninth session, considered a request for clarification from the Serbian Customs Administration about TIR transports performed by a tractor unit – semi-trailer combination. The Serbian Customs wondered whether the TIR Convention allows for a change of the tractor unit without Customs surveillance and, if yes, when and how such a change should be reflected in the TIR Carnet.

2. The Board felt that two situations should be distinguished: (i) both tractor units belong to one and the same TIR Carnet holder and (ii) tractor units belong to different TIR Carnet holders. It was realized that the second situation is closely linked to the issue of subcontractors. On the assumption that a change of the tractor unit is permitted, the TIRExB shortly discussed whether this change should be indicated on the TIR Carnet. Two opposite views were expressed:

- (a) the TIR Convention focuses on the load compartment (trailer, semi-trailer, container) where TIR goods are located. A tractor unit without a load compartment is not subject to TIR approval and is of no interest to Customs authorities. Thus, neither tractor unit nor its possible replacement should be reflected in the TIR Carnet. This view was shared by the IRU;
- (b) a tractor unit is considered as a road vehicle, according to the definition of Article 1 (g). The TIR procedure applies not only to the transported goods, but also to all road vehicles carrying out a TIR transport. Both goods and vehicles are under Customs surveillance and, therefore, should be included in the TIR Carnet. In case the tractor unit is substituted, the proper corrections should be made in the TIR Carnet (TIRExB/REP/2005/29draft, paras.21 and 22).

3. At the thirtieth session, the TIRExB welcomed Informal document No.14 (2006) by the secretariat, analyzing two different approaches with regard to how the provisions of the TIR Convention concern tractor units towing semi-trailers with TIR goods, in particular, whether or not the tractor unit should be reflected on the TIR Carnet. The Board agreed that attention should be paid to Article 15, paragraph 1 of the TIR Convention stipulating that neither special Customs documents nor a guarantee shall be required in respect of the temporary importation of a road vehicle, combination of vehicles or container carrying goods under cover of the TIR procedure.

4. The Board noted that, in accordance with national legislation of some Contracting Parties to the Convention, if the tractor unit registered abroad is not indicated on the TIR Carnet, this document cannot be used for temporary admission of the tractor unit, and the holder has to present another Customs document for temporary importation of the tractor (e.g., Carnet de Passage). This requirement could lead to delays in the course of a TIR transport. The TIRExB felt that Article 15.1 gives a unique opportunity to avoid those complications by simply inserting the tractor unit registration numbers on the cover page and vouchers of the TIR Carnet. On the other hand, under this approach any change of the tractor unit should be properly reflected in the TIR Carnet. That could lead to inconveniences for transport operators in case of numerous replacements of the tractor unit, especially if such changes should be made in the presence or, at least, with the consent of the Customs authorities. The Board was of the view that there should be a simplified procedure for tractor unit changes and requested the secretariat to draft a comment on this issue for consideration at the future sessions (TIRExB/REP/2006/30draft, paras.13 and 14).

B. PROPOSAL BY THE SECRETARIAT

5. Following the views expressed by the TIRExB, the secretariat proposes to add the following comment to Article 15, paragraph 1:

"Customs clearance of tractor units carrying out TIR transports

With a view to avoiding separate clearance for temporary admission of a foreign registered tractor unit, the holder of a TIR Carnet is recommended to indicate the tractor unit registration numbers on the cover page and vouchers of the TIR Carnet. When the tractor unit is replaced in the course of a TIR transport, the holder should make the proper corrections in the TIR Carnet and, on the first occasion, have them endorsed by Customs authorities. The replaced tractor unit remains under temporary admission and should be accompanied with a copy of the TIR Carnet."
