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Administrative Committee for the TIR Convention, 1975

Sixty-sixth session

Geneva, 12 October 2017

Item 4(b) of the provisional agenda

Revision of the Convention:

**Amendment proposals to the Convention
transmitted by the Working Party**

Amendment to Article 18 of the TIR Convention

Note by the secretariat

I. Introduction

1. At its sixty-fifth session the Committee took note of the proposal by the delegation of the Russian Federation to Article 18 (see ECE/TRANS/WP.30/AC.2/133, para. 41(e)). The Committee decided to mandate the secretariat to collect comments by Contracting Parties to that proposal, for consideration at its current session. In line with this request, the present document reproduces in Annex the comments received by various delegations by 21 July 2017. For ease of reference, the text of the proposal is available in the three working languages of the United Nations Economic Commission for Europe (UNECE) as Informal document WP.30 (2017) No.15.

II. Considerations by the Committee

2. The Committee may wish to take note of the comments received and, on that basis, continue its considerations of the proposal to amend Article 18.

Annex

Comments received by 21 July 2017

I. Comments by the government of Turkey, dated 4 July 2017

1. Concerning the ongoing work in relation to the amendment of Article 18 of the TIR Convention, the draft proposal of the Russian Federation was submitted in February 2017. Comments of Turkey as regards this proposal have been communicated to the Russian Federation through correspondence between customs authorities and also via diplomatic channels prior to the Administrative Committee for the TIR Convention, 1975 (AC.2) meeting held in February 2017.

2. Turkey brought attention to the point that the TIR Convention uses the concepts of “TIR transport” and “TIR operation”. In this respect, Turkey underlined the importance of using the terminology in the TIR Convention instead of phrases like “TIR transit”. Turkey also pointed out the concerns about the content of the draft proposal.

3. The Turkish delegation made similar remarks at the sixty-fifth session of AC.2. During that session, the delegation of the Russian Federation pointed out that the expression “TIR transit” was a consequence of mistranslation into English, and would be revised as “TIR transport”. This point has been corrected in Informal document WP.30 (2017) No.15.

4. Having examined the current version of the proposal with attention, Turkey preserves its former opinion and is not in a position to accept the new proposal submitted by the Russian Federation. The existing text of Article 18 is very well formulated and it is considered that diversions from this text and new formulations may lead to ambiguity and complexity in relation to its implementation.

5. Therefore, it would be highly appreciated if the Russian Federation can go along with the original proposal submitted by Turkey, which takes into account the needs of the transport sector, and aims at a simple editorial amendment of increasing the number of places of loading and unloading from four to eight. It is worth stating that being on the agenda for so many years and discussed in depth by the delegations, the support of a majority of Contracting Parties already exists for the Turkish proposal.

6. Turkey looks forward to the conclusion of this long lasting issue, and kindly asks for a compromise at the next session of the AC.2 for inclusion of the original Turkish proposal into the amendment package, which is expected to be adopted at the October 2017 session of AC.2.

II. Preliminary comments by the European Union and its member States, dated 13 July 2017

7. The European Union (EU) is of the view that a mandatory determination of the number of customs offices of departure and destination for TIR operations within a Contracting Party might not be in line with a general objective of the TIR Convention, i.e. to offer transport operators and customs authorities a simple, flexible, cost-effective and secure transit regime for the international transport of goods which shall be provided in a harmonized way across all Contracting Parties.

8. Transport operators might face difficulties in obtaining accurate and up to date information on the application of that Article in Contracting Parties to or through which

they plan to carry goods. Moreover, Contracting Parties could limit the number of customs offices of departure or destination to even less than today. Limitation to, for example, only one customs office of destination, would mean that this customs office would become responsible for all the goods to be transferred to another customs procedure.

9. The EU would need more time to analyse the application of that proposal on its territory and to consult with traders on whether and how to determine the number of customs offices.

10. The EU would appreciate further explanation from the Russian Federation as well as to hear the views of the other Contracting Parties on this proposal.

11. The EU will take also into consideration that AC.2 mandated the TIR Executive Board (TIRExB) to consider a draft Explanatory Note to Article 18 to accompany the original proposal that would introduce the possibility for Contracting Parties to limit the number of places of loading and unloading on their territory. Although it should be clear that the text of an Explanatory note should not alter the provisions of Article 18 and should also not introduce any restrictions on its application, the EU will wait for the outcome of the considerations of TIRExB before taking its final position on this issue.
