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### Economic Commission for Europe

#### Inland Transport Committee

#### Administrative Committee for the TIR Convention, 1975

##### Sixty-first session

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Item 3 (f) of the provisional agenda

**Revision of the Convention: Proposals transmitted by the Government of the Russian Federation**

#### Working Party on Customs Questions affecting Transport

##### 140th session

Geneva, 9–12 June 2015

Item 3 (b) (i) of the provisional agenda

**Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975):**

**Revision of the Convention: Amendment proposals to the Convention**

### **Additional justification for the proposals to amend the Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975)**

#### **Transmitted by the Government of the Russian Federation\***

The secretariat reproduces below as an official document a text transmitted by the Government of the Russian Federation containing proposals for amendments to the TIR Convention.

\* The present document contains the text submitted to the secretariat reproduced without any changes.

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## Proposal 1

3.3 We propose rewording Annex 9, Part I, paragraph 3 (ii) as follows:

*“(ii) accept the maximum sum per TIR Carnet which may be claimed from the association if a maximum sum is determined by the Contracting Party in accordance with Article 8, paragraph 3 of the Convention.”*

The amendments are required to ensure the possibility of recovery from the guaranteeing association of full payment of the customs duties.

The proposed amendments will on the one hand reduce the risk that Contracting Parties may not receive the full payment due in the event of violations of the TIR procedures. On the other hand, they will make it possible to substantially reduce the time of passage of means of transport at crossing points, by shortening the time required for customs operations involving detailed calculations of payments for the transported goods (reconciliation with established guarantee limits) and will reduce the use of customs escorts (when established guarantee limits are exceeded).

In addition to the amendments to Annex 9, Part I, paragraph 3 (ii), we also propose amending article 8, paragraph 1, by adding “and in the event that such an amount is not established, the full amount,” after the words “guaranteed amount”.

We propose changing the word “shall” in article 8, paragraph 3, to “shall be entitled to”.

## Proposal 2

Amend Annex 8, Article 1-bis, of the TIR Convention, adding paragraphs 4 and 5, as follows:

*“4. The Committee shall conduct regular examinations of all records and accounts of the international organization in order to ensure the effective organization and functioning of the international guarantee system relating to the application of the Convention, with subsequent disclosure of the results of such examinations to the Contracting Parties. Such examinations shall be conducted at least once a year.*

*5. As part of the examination mentioned in subparagraph 4, the Committee shall carry out independent audits of the activities of the international organization and guaranteeing associations, with subsequent disclosure of the results to the Contracting Parties.”*

The amendments to Annex 8, Article 1-bis are required to increase the transparency of application of the TIR Convention.

Paragraphs (o), (p) and (q) in document ECE/TRANS/WP.30/2015/5 do not fully correspond with the proposals made by the Russian Federation, as they relate exclusively to the international organization mentioned in Article 6 of the TIR Convention and do not call for an audit of national guaranteeing associations.

Also, the proposals of the Russian Federation call for the establishment of regular examinations (at least once a year) and the disclosure of their results to the Contracting Parties.

## Proposal 3

Amendments to standardize terminology used in the Convention

3.1 Align Article 1, paragraph (q), with Article 6, paragraph 1.

Article 1, paragraph (q)

*the term “guaranteeing association” shall mean an association authorized by the Customs authorities of a Contracting Party to act as guarantor for persons using the TIR procedure;*

In accordance with the recommendations of the ECE Working Party on Customs Questions affecting Transport (hereunder referred to as the Working Party), we assume that it is acceptable to change the concept of “Customs authorities” to “Customs authorities and/or other authorized bodies”.

3.2 Align Article 3, paragraph (b), with Article 6, paragraph 1.

Article 3, paragraph (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.*

In Article 3, paragraph (b), we propose replacing the word “approved” with “which have received authorization from the Contracting Parties”.

In accordance with the request of the Working Party to go through the entire TIR Convention to ensure uniform use of terminology, we propose that in addition to the amendments to Article 3, paragraph (b), the words in Article 6, paragraph 2, “An association shall not be approved in any country unless” should be amended to read “An association shall not receive authorization from the Contracting Party in any country unless”.

3.3 Annex 9, Part I, paragraph 3, subparagraph (vii)

*allow the competent authorities to verify all records and accounts kept relating to the administration of the TIR procedure;*

We propose amending Annex 9, Part I, paragraph 3, subparagraph (vii) to read as follows:

*“(vii) allow the competent authorities to verify all records and accounts kept relating to the application of the Convention.”*

The amendments to Annex 9, Part I, paragraph 3, subparagraph (vii) are required to allow for the possibility to verify documentation relating, for example, to access to or authorization for the TIR procedure, in accordance with Annex 9, Part II, of the TIR Convention, and also for the distribution of TIR Carnets.

We assume that the documents in question relate more to the concept of “application of the Convention” than to “administration of the TIR procedure”.

3.4 Annex 9, Part I, paragraphs 5 and 7

We propose amending Annex 9, Part I, paragraph 5 to read as follows:

*“5. The Contracting Party in which the association is established shall revoke the authorization to issue TIR Carnets and to act as guarantor in case of non-compliance with these conditions and requirements, and also in the event of failure by the guaranteeing association to perform the duties set out in paragraph 3. Should a Contracting Party decide*

*to revoke the authorization, the decision shall become effective at the earliest three (3) months after the date of revocation.”*

We propose amending Annex 9, Part I, paragraph 7 to read as follows:

*“7. The conditions and requirements and the duties of the guaranteeing association laid down above are without prejudice to additional conditions and requirements and duties of the guaranteeing association that Contracting Parties may wish to prescribe.”*

We also propose deleting the heading “Conditions and requirements” before Annex 9, Part I, paragraph 1.

## **Proposal 4**

Expansion of the membership of the Executive Board of the Convention and establishment of a rule whereby the Board should consist predominantly of experts from the Contracting Parties to the Convention that have the largest trade turnover under the TIR regime.

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