



TIR EXECUTIVE BOARD (TIRExB)
COMMISSION DE CONTROLE TIR (TIRExB)
ИСПОЛНИТЕЛЬНЫЙ СОВЕТ МДП (ИСМДП)

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TIR Executive Board (TIRExB)

Seventy-first session

Geneva, 13 February 2017

Agenda item V

Adaptation of the TIR procedure to modern business, logistics and transport requirements – Implementation of the intermodal aspects of the TIR procedure

Note by the secretariat

I. Background and mandate

1. At its previous session, the Board discussed the scenario of an intermodal container transport between two inland customs offices with a sea leg, as elaborated in Informal document No. 21 (2016) by the secretariat, in close consultation with IRU. A number of TIRExB members expressed their consent with the gist of the example, however wished to see more reference to the suspension of the TIR transport during the sea leg. Also the issue of the transfer of the TIR Carnet should be mentioned. Mr. S. Fedorov (Belarus), supported by Mr. S. Amelyanovich (Russian Federation), expressed the clear view that the example, in its current form, left too many issues, such as, but not limited to subcontracting, unaddressed for the document to be transferred to AC.2 for further consideration. They wished the example to contain more references to applicable provisions of the Convention, because they had doubt that the description, although taken from a practical example of an intermodal TIR transport, was in line with the provisions of the Convention. In addition, Mr. S. Fedorov wished to see clearly recorded that he was against the example as it could not be applied in practice in Belarus. In conclusion, the Board requested the secretariat to prepare an amended version of the example, reflecting, as far as possible, all considerations or reservations expressed at the current session and in the exact format as to how the final text of the example would be submitted to AC.2 for its consideration (see TIRExB/REP/2016/70draft, para. 18).

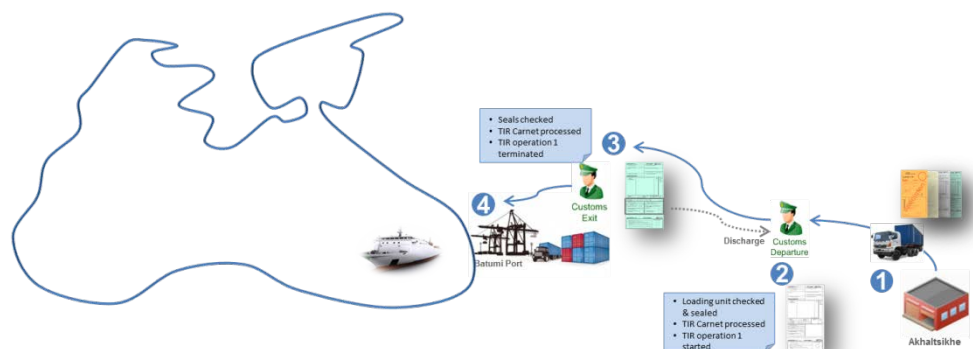
2. Further to this request, the secretariat prepared Informal document No. 2 (2017) for consideration by the Board, which contains, in Annex an amended version¹ of the example of best practice, for insertion in the TIR Handbook.

II. Considerations by the Board

3. The Board is invited to consider and, possibly, endorse this example of best practice for inclusion in the next version of the TIR Handbook. In addition, TIRExB is invited to consider the issuance, in collaboration with IRU, of a flyer promoting intermodal TIR transports.

¹ Amendments are in italics underlined, ~~deletions are in strikethrough~~

ANNEX

Example of an intermodal TIR transport²**Container scenario**

1. There are different types of containers used for intermodal transport. However, it is estimated that 90 per cent of the intermodal containers are “general purpose” containers mostly with sizes of 20’ or 40’ feet. In 2010, containers accounted for 60 per cent of the world’s seaborne trade. The current scenario applies to most types and uses of intermodal containers, as long as they are approved for transport under TIR.

2. In this scenario, a TIR Carnet holder gets the assignment to transport a container from Akhaltsikhe (Georgia) to an inland destination in Ukraine. The filling in of the TIR Carnet follows the same procedure as used for a standard road transport: the name of the authorized TIR Carnet holder will be inserted in Box No. 3 of the cover page and the identification number of the container, if applicable in Box 10.

3. The procedure to be taken by the customs office of departure also follows the same procedure as used in a standard road transport: customs authorities check the load on the basis of the information contained in the TIR Carnet (goods manifest) completed by the authorized TIR Carnet holder, seal the container, inscribe the seal number in the TIR Carnet, tear out Voucher No. 1 and fill in counterfoil No. 1 (*See Article 19 of the Convention and Chapter 7, III, B (a) of the TIR Handbook*).

4. Upon arrival at the port of Batumi (Georgia), customs authorities check the seals, take out Voucher No. 2, fill in the corresponding counterfoil and return the TIR Carnet to (the representative of) the TIR Carnet holder. The container is then loaded on a cargo vessel for the sea transport (*See also Chapter 7, III, B (b) of the TIR Handbook*)

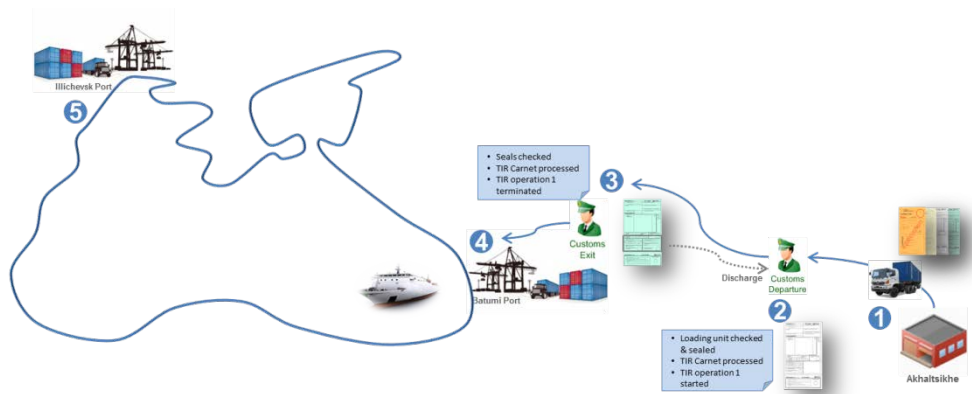
5. During the sea leg, the holder of a TIR Carnet may ask the customs authorities to suspend the TIR transport in accordance with the provisions of Article 26, paragraph 2 of the Convention (see Comment to Article 26 “use of the TIR procedure in case a part of the journey is not made by road”). In case of suspension, customs treatment and customs control should be available at the end of the sea leg in order to resume the TIR transport, in accordance with the provisions of Article 26 of the Convention.

6. The method of transferring (by mail, air or any other way) the TIR Carnet from the customs office of exit en route to the customs office of entry en route is left to the TIR Carnet holder.

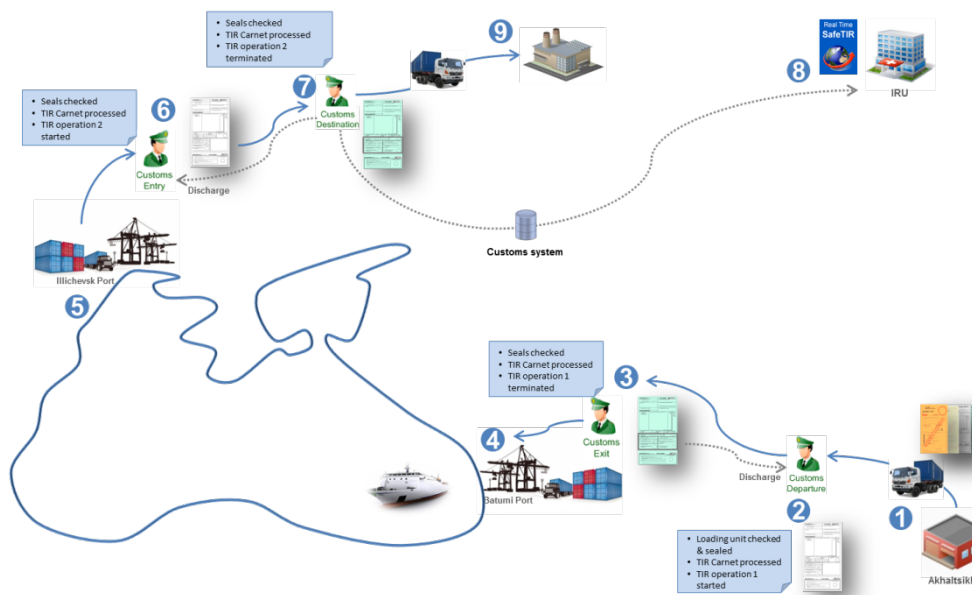
7. After unloading the container from the vessel in the port of Illichevsk (Ukraine), the TIR Carnet is produced at the customs office of entry en route (*Article 21 of the*

² This example of best practice is based on an existing example of best practice of an intermodal TIR transport between two TIR Contracting Parties. This does, however, not exclude that the example cannot be applied for intermodal TIR transports between certain TIR Contracting Parties, due to the application of provisions of national law.

Convention). The seals are checked by the customs office, which tears out Voucher No. 1 and fills in counterfoil No. 1 (*See also Chapter 7, III, B (c) of the TIR Handbook*).



8. The transport continues until the final destination in Ukraine, where the container and goods are produced for termination of the TIR operation and final termination of the TIR transport (*Article 28 of the Convention*). The office of destination removes Voucher No. 2, fills in the corresponding counterfoil and returns the TIR Carnet. Following the usual procedure, the termination is confirmed to the international control system (SafeTIR) (*Annex 10 of the Convention*). The competent customs office then proceeds with the discharge of the final TIR operation (*See also Chapter 7, III, B (d) of the TIR Handbook*).



9. In the context of this example, Contracting Parties are recommended to bear in mind that:

(a) TIRExB, at its thirty-eighth session (December 2008), established that:

(i) in view of the absence of any legal or practical problem with regard to the use of subcontractors, it did not seem to make sense to propose changes to the TIR Convention;

(ii) in order to support the uninterrupted use of subcontractors in the future, it seemed appropriate to recommend that, once the Customs authorities of the country

of departure [entry en route³] have accepted a TIR Carnet from another person than the authorized TIR Carnet holder, such TIR Carnet be accepted by the Customs authorities of [the same or⁴] other countries involved in a TIR transport without further requirements (see ECE/TRANS/WP.30/2009/4, paragraph 9).

(b) these considerations have been confirmed by the Committee at its forty-seventh session (February 2009)(see ECE/TRANS/WP.30/AC.2/97, para. 8).

10. Whether or not a subcontractor can be assigned by an authorized TIR Carnet holder to perform part of a TIR transport, depends on the national legislation of the country concerned. It is a fact that some Contracting Parties allow, with the consent of their national guaranteeing association, some authorized TIR Carnet holders to subcontract part or the entire TIR transports to a selected number of pre-screened third-party transport operators, whereas others do not. In any case, the use of a subcontractor does not relieve the TIR Carnet holder from his liability in accordance with Article 11, paragraph 2.

~~III. Considerations by the secretariat and IRU~~

~~13. In the view of the secretariat and IRU, it is not necessary to address the issue of subcontracting within the framework of the above scenario, as it is possible to conduct intermodal transports without using a subcontractor. Whether or not a subcontractor can be assigned by an authorized TIR Carnet holder to perform part of a TIR transport, depends on the national legislation of the country concerned. It is a fact that some Contracting Parties allow, with the consent of their national guaranteeing association, some authorized TIR Carnet holders to subcontract part or the entire TIR transports to a selected number of pre-screened third party transport operators, whereas others do not. In any case, the use of a subcontractor does not relieve the TIR Carnet holder from his liability in accordance with Article 11, paragraph 2.~~

~~14. In case an authorized TIR Carnet holder uses the services of another transport operator, the related details will be inscribed in Box 11 as is already the case in countries where such practices are allowed.~~

~~15. How the TIR Carnet will be transported from the port of exit en route to the port of entry en route (by mail, air or any other way) is an issue which is outside the scope of customs and, therefore, does not need to be addressed in the context of this example of best practice.~~

³ *Text proposal in square brackets by the secretariat*

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