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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions

affecting Transport

(One-hundred-and-second session, 22-25 October 2002,
agenda item 6 (b) (ii))

**CUSTOMS CONVENTION ON THE INTERNATIONAL TRANSPORT
OF GOODS UNDER COVER OF TIR CARNETS (TIR CONVENTION 1975)**

Revision of the Convention

Preparation of Phase III of the TIR revision process

Increase in the number of loading and unloading places

Note by the secretariat

A. BACKGROUND

1. The Working Party, at its ninety-ninth and one-hundredth sessions, considered document TRANS/WP.30/2001/19 and Rev.1 prepared by the secretariat, containing proposals for three alternative solutions to increase the number of loading and unloading places (Customs offices of departure and destination) in the TIR procedure. Two options were based on the current text of the TIR Convention, and the third one was to amend the Convention (Article 18 and Annex 1 "Model of TIR Carnet") accordingly.

2. Some delegations felt that, in case that there was a need to increase the number of Customs offices of departure and destination, an amendment to the TIR Convention might be preferable compared to an attempt to seek a solution through a broader interpretation of the existing provisions in the Convention. It was also stated that an extension of the number of loading and unloading places in the TIR Carnet would provide operators with an operational and economic advantage which the two other already existing alternatives described in TRANS/WP.30/2001/19 and Rev.1 (paras. 6-9) did not provide (TRANS/WP.30/198, para.61 and TRANS/WP.30/200, para. 41).

3. At its one-hundred-and-first session, the Working Party considered document TRANS/WP.30/2002/17 prepared by the secretariat, describing a scenario of up to six places of loading and unloading, including a description of the documentation flow in accordance with national Customs procedures for the administration of partial loading/unloading. After a very in-depth discussion, the Working Party acknowledged that there exists a demand from the transport industry to increase the number of loading and unloading places permitted in the TIR Convention. The Working Party requested the secretariat, to prepare, for its next session, a document containing an analysis of the legal consequences of increasing the number of loading and unloading places, including, if necessary, proposals to amend the Convention (TRANS/WP.30/202, para. 39). Following this request, the secretariat has prepared the present document.

B. AMENDMENT PROPOSALS

4. In line with discussions held at earlier sessions, the amendment proposals below provide for the increase of the permissible number of Customs offices up to six and for a similar increase of the number of corresponding boxes in the TIR Carnet indicating the Customs offices involved. For the sake of consistency, the proposals by the secretariat also cover the relevant comment to the TIR Convention, although not being the legal text of the Convention.

Article 18

At the end of the first sentence, replace the word "four" by the word "six".

Comment to Article 18 "Several Customs offices of departure and/or destination"

At the end of the first sentence, replace the word "four" by the word "six".

Annex 1 to the Convention, Model of TIR Carnet: Version 1 and Version 2, page 3 of the cover

Rule 5 of the Rules regarding the use of the TIR Carnet

At the end of the first sentence, replace the word "four" by the word "six".

Vouchers No.1 and No.2Item 2 "Customs office(s) of departure"

Increase the number of underlined boxes from 3 to 5 [this may affect the layout of vouchers No.1 and No.2 as well as that of the certified report].

Item 12 "Total number of packages entered on the manifest: Destination/Customs office/Number"

Increase the number of rows allocated for Customs offices of destination from 3 to 5 [this may affect the layout of vouchers No.1 and No.2].

5. The above few amendments seem to be straightforward and do not change the legal substance of the respective provisions of the TIR Convention. Thus, it may be concluded that the amendments would have no direct legal consequences for the implementation of the TIR Convention on both national and international level. On the other hand, one can expect certain practical problems for the Customs authorities, as described in detail in secretariat document TRANS/WP.30/2002/17, paras. 16-25. Therefore, if the above amendments were adopted, competent authorities of Contracting Party should ensure an adequate level of Customs control over TIR transports involving several Customs offices of departure and/or destination.
