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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions
affecting Transport

(Ninety-third session, 18-22 October 1999,
agenda item 7 (c) (viii))

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

Application of the Convention

Validity of curtain-sided vehicles

Note by the secretariat

1. In 1989 and 1990, the Working Party had, for the first time, considered the validity of curtain-sided load compartments. In principle, these load compartments had traditional solid roofs and rear doors, but the sides were covered with foldable sliding sheets suspended from a rail by rollers that are secured to the sheets.
2. At that time, the Working Party, considering an example of such a load compartment provided by Belgium (TRANS/WP.30/R.32), was of the view that such a construction could not be approved for transport under Customs seal due to the fact that some of the components used, particularly the sheet hangers running in rails below the top sides of the solid roof of the load compartment, might not comply with the basic principles of Annex 2, Article 1 of the Convention.

3. Furthermore, the Working Party felt that some of the components used in the construction were not yet addressed in the Convention and would possibly require modifications of its provisions. This related in particular to the tarpaulin suspension in a guided rail fixed to the roof and the proposed protection by fixed metal plates, the horizontal tensioning mechanism and the application of Customs seals to it and the fixation of the sheets at the front or rear sides of the load compartment. In addition, this type of construction required several sheets to be used while Annex 2, Article 3, paragraph 2 of the Convention seemed to allow the use of only one sheet (TRANS/WP.30/131, paras. 21-24; TRANS/WP.30/133, paras. 33-37).
4. In 1996 the Working Party once again considered the validity of curtain-sided vehicles on the basis of another type of construction described in a document transmitted by the United Kingdom (TRANS/WP.30/R.166). At that time, some delegations had been of the view that this particular type of construction was Customs secure, but that its inspection at Customs offices would be very complicated and time consuming (TRANS/WP.30/168, para. 39).
5. Noting that this unresolved question caused concern among transport operators and Customs authorities and on the basis of yet another type of curtain-sided construction described in a document transmitted by the Czech Republic (TRANS/WP.30/1998/14), the Working Party continued its discussions on this subject in 1998 with a view to providing guidance to transport operators and manufacturers of load compartments on the type of curtain-sided load compartments that might be approved for transport under Customs seal. Several delegations agreed with the conclusions made by the Czech Customs authorities in document TRANS/WP.30/1998/14 that the construction of this particular curtain-sided vehicle was Customs secure and in line with the provisions of Annex 2 of the Convention.
6. However, before taking a final decision on whether (a) the technical description of curtain-sided vehicles should be included into the technical annexes of the Convention, (b) the Working Party should voice an opinion, possibly in the form of a comment, on the validity of curtain-sided vehicles as long as their construction complied with the provisions of annex 2, article 3, paragraphs 6, 8 and 9 as well as annex 6 of the Convention or (c) it should be left to the discretion of national approval authorities to approve such vehicles as they deem it appropriate, the Working Party decided to request the secretariat to prepare a draft comment for inclusion into the TIR Handbook and to consider it at its next session (TRANS/WP.30/184, paras. 59-61).
7. In accordance with this mandate, the secretariat has analysed this technical issue and has based its proposal for a comment to be inserted into the TIR Handbook on the following three considerations:

(a) Consultations with representatives from the transport industry have shown that a large number of vehicles with curtain-sided load compartments have apparently already been approved for transport under Customs seal in the framework of the Convention in a number of European countries.

(b) There exist various types of curtain-sided vehicles in Europe with different technical characteristics and different levels of Customs security which cannot be easily differentiated.

(c) While in some countries curtain-sided load compartments are approved for transport under Customs seal, in other countries national Customs authorities simply prohibit the use of all types of curtain-sided load compartments and consider relevant approval certificates established by competent authorities in other countries as not valid.

8. Thus, there seems to be a clear need to clarify the validity under the Convention of this specific load compartment which, due to its technical characteristics, allows for efficient loading and unloading procedures.

9. With regard to earlier considerations in the Working Party, the secretariat feels that the relevant provisions of Annex 2, Article 3 of the Convention referring to "the sheet", should not necessarily be interpreted as excluding the possibility of using several sheets, as long as the basic provisions of Annex 2, Article 1 of the Convention on Customs security and on the affixing of Customs seals are complied with. It must be kept in mind that the provisions of Annex 3, Article 3 of the Convention were prepared at a time when modern constructions of load compartments consisting of several sheets, as is the case for curtain-sided load compartments, neither existed nor were conceivable as being advantageous to the transport industry.

10. Since there exist several types of curtain-sided load compartments which are difficult to distinguish and whose technical characteristics are under permanent development, it seems to be wise to leave it to the competent national approval authorities to examine in detail and possibly on a case by case basis the validity of such constructions under the Convention. In addition, since the provisions of the Convention, particularly those in its technical annexes, should be kept as generic and thus as flexible as possible, the secretariat is of the view that individual types of curtain-sided load compartments that are considered Customs secure should neither be prescribed in the Convention nor can they ever be described comprehensively in the TIR Handbook.

11. For these reasons the secretariat proposes the following general comment for insertion into the TIR Handbook. Its objective is to provide a general guidance to approval authorities about the validity under the Convention of curtain-sided load compartments and to ensure uninterrupted TIR operations in all Contracting Parties:

“Comment

Validity of curtain-sided load compartments

During the approval of curtain-sided load compartments particular attention should be given that the provisions of Annex 2, Article 3 and in particular paragraphs 6, 8 and 9 in conjunction with Annex 2, Article 1 of the Convention are complied with. It is recommended to pay attention in particular to the following features of curtain-sided load compartments: (a) The tarpaulin suspension in the guided rail fixed to the solid roof and its protection; (b) the tensioning mechanism of the sliding sheets and the application of Customs seals to it; and (c) the fixation of the sheets at the front or rear sides of the solid load compartment.

Vehicles approved by competent authorities of Contracting Parties, in accordance with the provision of the Convention, particularly those in Annex 2, Article 1 and Article 3, paragraphs 6, 8 and 9, should, in principle, be accepted by all other Contracting Parties.”

12. The Working Party may wish to consider this draft comment for approval and transmission to the TIR Administrative Committee for endorsement.
