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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting Transport
(One-hundred-and-seventh session, 15-18 June 2004,
agenda item 6 (b) (iv))

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

Revision of the Convention

Amendment proposals

Comments on the EU amendment proposals,
as contained in document TRANS/WP.30/2004/14

Transmitted by the Government of the Russian Federation

1. We have thoroughly examined the European Community document TRANS/WP.30/2004/14, which expresses, inter alia, the opinion of the Community regarding the proposals of the Russian Federation to introduce additional amendments to the TIR Convention (document TRANS/WP.30/2003/11) and would like to note with satisfaction that the necessity to solve the matters raised by the Russian Federation is being recognized in this EC document.
2. The ways of resolution of those matters may differ, and we are ready, in particular, to consider the proposals of the EC laid down in the above-mentioned document.
3. The Russian Federation agrees that the international organization should respect the competencies of the Contracting Parties to the Convention and shall comply with the decisions of the TIR Administrative Committee and the TIR Executive Board, and this matter can be settled in the explanatory note to Article 6.2-bis in the wording proposed by the EC.
4. As to the proposal of the Russian Federation to add a new Article 11.2-bis to Article 11 of the TIR Convention, we would like to express the following consideration.
5. At present, the international organization has established the rule, according to which the decision regarding the validity of the claims submitted by the national competent bodies to the Guarantee chain can be taken only by this organization, and neither guaranteeing association, nor international and national insurers have the right to satisfy the claim without acceptance of the international organization.
6. At the same time, neither the deadline of taking decision on this matter, nor the procedure to appeal against such decision in case it is considered groundless, are established.
7. Such situation causes severe difficulties in the relationship between the guaranteeing associations and national competent authorities and complicates the realization by the TIR Executive Board of the provisions of point “e” of Article 10, Annex 8 to the TIR Convention, according to which TIRExB shall facilitate the settlement of disputes between Contracting Parties, associations, insurance companies and international organizations.
8. In the Russian Federation, for example, the cases of non-delivery of goods carried under cover of TIR Carnets are very rare at present, and most of payment requests received are connected with the infringements committed by foreign carriers. As the insurance of the foreign carriers is effected by foreign associations both on the national level and via the international organization, the settlement of those claims is coordinated exclusively by the above international organization.

9. Due to the above, we suggest a more detailed consideration of our proposals regarding Article 11 of the TIR Convention laid down in the document TRANS/WP.30/2003/11.
 10. We agree that the adoption of that proposal would require the change of the name of Chapter II of the TIR Convention, and, in our opinion, it could be titled as “Issue of TIR Carnets. Liability of guaranteeing associations and an international organization”.
 11. As to the proposal regarding the establishment of a special expert group, contained in the EC document mentioned, the Russian Federation believes that its establishment would lead to postpone in the settlement of the matter touched upon, and, in our opinion, the problem can be considered at the forthcoming session of WP.30 Working group in June within its agenda.
 12. We also kindly ask the Secretariat of the Working group to distribute this document among the delegations participating in the session of the group in June 2004.
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