



---

**ADMINISTRATIVE COMMITTEE  
FOR THE TIR CONVENTION, 1975**

**TIR Executive Board (TIRExB)**

(Thirty-fifth session, 28 January 2008,  
agenda item 8)

**APPROVAL OF A SPECIFIC CONSTRUCTION OF ROAD VEHICLES**

**Note by the secretariat**

**A. BACKGROUND**

1. At its thirty-fourth session, the TIRExB, at the request of the IRU and the Belarusian national association BAMAP, considered a particular type of trailers whose construction includes an open platform for the transport of heavy or bulky goods as well as a closed load compartment that can be sealed (Informal document No. 13 (2007)). In particular, the following questions were raised:

- (i) whether approval can be granted to such vehicles and
- (ii) whether two TIR Carnets (one for the open platform and one for the load compartment) can be used.

Following a short exchange of views, the TIRExB requested the secretariat to study these issues and prepare a document for consideration at the next session of the Board (TIRExB/REP/2007/34draft, para. 27).

2. In line with the above request, the secretariat has prepared the present document which, by no means, should be considered as conclusive, with the aim to assist the TIRExB in formulating its provisional considerations.

## **B. PRLIMINARY CONSIDERATIONS BY THE SECRETARIAT**

3. Article 3 stipulates that a TIR transport can be undertaken either by means of road vehicles or containers previously approved under the conditions set forth in Chapter III (a) (normal goods transported under Customs seal) or by means of other road vehicles or other containers under the conditions set forth in Chapter III (c) (heavy or bulky goods).

4. According to Annex 2, approval for the international transport of goods under Customs seal may be granted only to vehicles, the load compartments of which are constructed and equipped according to the conditions set out in this annex. Here, one particular aspect should be stressed: approval is granted to a road vehicle, not to its load compartment(s). Annex 3 confirms this conclusion. In other words, if a road vehicle contains several load compartments, it cannot be partially approved: either it is approved as a whole, and all the load compartments meet the TIR technical prescriptions, or it is not approved because at least one load compartment does not comply with the said prescriptions.

5. The underlying construction of road vehicles includes an open platform for the transport of heavy or bulky goods. Obviously, the open platform is not suitable for the transport of goods under Customs seal and, thus, cannot be approved. This corresponds to Explanatory Note 0.29, according to which no certificate of approval is required for road vehicles or containers transporting heavy or bulky goods. Therefore, the road vehicle as a whole cannot be approved for the transport under Customs seal, despite the fact its construction also includes a closed load compartment that can be sealed. This is an answer to question (i) from para. 1 above.

6. As far as question (ii) is concerned, Article 17, paragraph 1 stipulates that "a single TIR Carnet shall be made out in respect of each road vehicle or container". As a consequence, two TIR Carnets may not be used for the above-mentioned construction. It should also be pointed out that, for the reasons indicated in para. 4 above, the comment to Article 17 "Issuance of TIR Carnets for mixed cargo consisting of normal goods and heavy or bulky goods" does not apply.

7. It seems that, as a whole, the underlying construction is designed for the transport of heavy or bulky goods, while a closed compartment plays only a secondary role. In view of the above, an additional question may arise what the value added of having a closed compartment is, if it cannot be approved for the transport of goods under Customs seals. The answer is simple: the compartment can be used for the transport of accessories of the heavy or bulky goods carried on the open platform. Indeed, according to Article 29, paragraph 3, "the provisions of this section shall apply only if, in the opinion of the authorities at the Customs office of departure, the heavy or bulky goods carried and *any accessories carried with them* can be easily identified by reference to the description given, or *can be provided with Customs seals and/or identifying marks* so as to prevent any substitution, or removal of the goods, without it being obvious". Thus, Customs seals still can be used as a sort of identifying marks, and even the load compartment can be sealed to make the

identification of accessories easier. However, from the point of view of Customs, it does not make any difference whether the accessories are carried on the open platform, inside the heavy or bulky goods or in the load compartment, because, pursuant to Article 31, "the liability of the guaranteeing association shall cover not only the goods enumerated in the TIR Carnet, but also any goods which, though not enumerated in the Carnet, are on the load platform or among the goods enumerated in the TIR Carnet".

**C. CONSIDERATIONS BY THE TIRExB**

8. The TIRExB may wish to discuss the above considerations by the secretariat.
-