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Item 9 of the provisional agenda

Best practices

Best practices

Note by the TIR secretariat

Summary

At its forty-fourth session, the TIR Executive Board (TIRExB) finalized a draft recommendation for inclusion into Chapter 5 of the TIR Handbook and decided to transmit it to the TIR Administrative Committee (AC.2) for endorsement.

The purpose of the draft recommendation is to provide guidance to Customs and TIR Carnet holders on filling in boxes 14, 15 and 17 of the TIR Carnet and the treatment by Customs of empty vouchers in the TIR Carnet.

I. Background

1. At its forty-third session, the TIRExB had confirmed that Rule 12 of the “Rules regarding the use of the TIR Carnet” is clear and unambiguous and, thus, should be applied without exception. Further to this, the TIRExB discussed what to do in practice in case these instructions are not followed. After some preliminary discussions, the TIRExB, at its forty-fourth session considered that some members supported a more formalistic approach, based on the application of the “Rules regarding the use of the TIR Carnet”, whereas others preferred a more practical approach on the basis of experiences reported by Customs officials. The TIRExB established that one of the main reasons for this divergence in opinion could lie in the fact that, although various rules regarding the use of the TIR Carnet refer to “all” vouchers to be filled in, signed or stamped, the TIR Convention, at no place, stipulates the number of vouchers in a TIR Carnet. It has been the International Road Transport Union (IRU) which, based on the needs of the transport industry, has, over time, started to print and distribute 4, 6, 14 and 20 voucher TIR Carnets.

2. Although the TIRExB was conscious of the fact that there might not be many such cases in practice, it felt it was a serious matter and that there was a need to come with clear instructions for Customs as well as for transport operators how to proceed in case a TIR Carnet was used containing more vouchers than required for the actual TIR transport. Such instructions should address, in particular, the treatment of empty pages, if any, in the TIR Carnet. The instructions should be based on the legal provisions of the TIR Convention, but should, at the same time, be practical and clear.
3. In concluding this issue, the TIRExB decided to draft a recommendation for inclusion as into Chapter 5 of the TIR Handbook, the text of which is contained in the Annex to this document. The TIRExB approved the text of the draft recommendation and decided to transmit it to the TIR Administrative Committee for endorsement (TIRExB/REP/2010/44draft, paras. 6–11).
4. The Committee is invited to consider and, possibly, endorse, the text of the recommendation.

Annex

Introduce a new Recommendation in Chapter 5 of the TIR Handbook to *read* as follows:

“5.11 Filling in of the TIR Carnet

(a) TIR Carnet holders (or their agents) are recommended to carefully select the type of TIR Carnet (4, 6, 14 or 20 pages), which best corresponds with the requirements of the specific TIR transport for which the TIR Carnet will be opened;

(b) TIR Carnet holders (or their agents) are recommended to fill in as many vouchers as possible, if not all, of the TIR Carnet and date and sign boxes 14 and 15, in accordance with Rule 12 of the “Rules regarding the use of the TIR Carnet”;

(c) At the last Customs office of departure, Customs should sign and date stamp box 17 on all vouchers which have previously been filled-in by the holder (or his agent), in accordance with Rule 7 of the “Rules regarding the use of the TIR Carnet”;

(d) Any remaining voucher(s) in the TIR Carnet which has not previously been filled in by the holder (or his agent), should be cancelled by Customs, at the risk of the TIR Carnet holder for not having a sufficient number of filled in, signed and date-stamped vouchers available in the TIR Carnet to complete the specific TIR transport for which it had been opened.”
