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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions

affecting Transport

(One-hundred-and-first session, 19-21 June 2002,
agenda item 6 (b) (i))

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

**Report of the seventh session of
the TIR Contact Group
(Athens, 22 and 23 April 2002)**

Note by the secretariat

ATTENDANCE

1. The TIR Contact Group held its seventh session on 22 and 23 April 2002 in Athens (Greece) on the invitation of the Government of Greece.
2. The session was attended by Governmental representatives from the following countries: Albania; Austria; Azerbaijan; Belgium; Bulgaria; Croatia; Cyprus; Czech Republic; Estonia; Georgia; Germany; Greece; Hungary; Iran; Italy; Lithuania; Luxembourg; Netherlands; Norway; Poland; Russian Federation; Slovakia; Slovenia; Sweden; Switzerland; The former Yugoslav Republic of Macedonia; Turkey; United Kingdom; Uzbekistan. A representative of the European Community (EC) was also present.

3. Upon invitation by the UNECE secretariat, the session was also attended by representatives of the following national associations issuing and guaranteeing TIR Carnets: National Association: AEBTRI; AIST; AITA; AMERIT; ANALTIR; ARTRI; ASMAP; ATRH; BGL; CESMAD Bohemia; DTL; FEBETRA; GIZ INTERTRANSPORT; ICCIM; KAZATO; Latvijas Auto; LINAVAL; OFAE; SCT Service Carnet TIR B.V.; SIEV; TDA; TRANSPORTKOMERC; UICCIAA; UND; UNTRR; ZMPD.

4. The International Road Transport Union (IRU) was also represented.

ADOPTION OF THE AGENDA

Documentation: Provisional agenda.

5. The TIR Contact Group adopted its agenda as prepared by the UNECE secretariat.

ELECTION OF A CHAIRPERSON

6. The TIR Contact Group elected Mr. P. FRAGOS (Greece) as Chairman.

INTRODUCTION TO PHASE II OF THE TIR REVISION PROCESS

7. The TIR Contact Group took note of a presentation by the Greek Customs authorities recalling the evolution and structural functioning of the TIR procedure underlining the positive contribution and potential of the TIR Convention in line with the interests of its Contracting Parties and the transport and trade industry.

8. The Contact Group noted with appreciation that the UNECE and the TIR secretariats had produced a new version of the TIR Handbook in English, French and Russian containing all amendments to the TIR Convention entering into force on 12 May 2002. Participants in the session received a copy of the new TIR Handbook.

9. The TIR Contact Group was also informed by the secretariat about the general objectives and priorities of the TIR revision process which had started in 1995 with a view to:

- (a) Establishing control over the TIR procedure at national and international levels for competent (Customs) authorities and the private sector;
- (b) Ensuring transparency, particularly of the international guarantee system, at all levels;
- (c) Defining the roles and responsibilities of all parties involved;
- (d) Clarifying and harmonizing, if appropriate, key procedures at national and international

- levels;
- (e) Allowing for use of modern procedures and technologies;
 - (f) Preparing the TIR Convention for global application.

STATUS OF PHASE II OF THE TIR REVISION PROCESS

Documentation: ECE/TRANS/17/Amend.21; C.N.36.2001.TREATIES-1; C.N.17.2002.TREATIES-2; C.N.123.2002.TREATIES-3; TRANS/WP.30/AC.2/59.

10. The Contact Group was informed that with Depositary Notification C.N.123.2002.TREATIES-3 the Secretary-General of the United Nations has informed the Contracting Parties to the Convention that the amendments contained in Depositary Notification C.N.36.2001.TREATIES-1, adopted by the TIR Administrative Committee in October 2002 (TRANS/WP.30/AC.2/59, Annexes 3, 5 and 7), will enter into force on 12 May 2002 as objections have not been raised. The consolidated version of all amendments under Phase II of the TIR revision process, including the amendments concerning corrections to the French text contained in Depositary Notification C.N.17.2002.TREATIES-2, are contained in document ECE/TRANS/17/Amend. 21. The Depositary Notifications and the amendment are available in electronic format on the TIR web site (www.unece.org/trans/new_tir/welctir.htm).

11. The Contact Group took note of information provided by the secretariat concerning the binding nature for Contracting Parties to the Convention of amendments that have entered into force. The Legal Office of the United Nations in New York has informed the UNECE secretariat that, according to the provisions of the TIR Convention, the amendment not having been objected TO by a Contracting Party within the stipulated time period, will enter into force for all Contracting Parties "...three months after the expiry of a period of twelve months." (Art. 59, para. 3). This means that all Contracting Parties to the Convention are bound by the amendments and must ensure that their domestic legislation will be in place by the time the amendments enter into force. The fact that a Contracting Party has not completed the necessary domestic legal requirements, such as publication in the national legal journal, will not excuse it from being bound by these amendments.

APPLICATION OF THE REVISED PROVISIONS UNDER PHASE II

Documentation: ECE/TRANS/17/Amend.21; TRANS/WP.30/AC.2/59 and Corr. 1-5.

12. The TIR Contact Group considered all aspects related to the application of the amendments adopted by the TIR Administrative Committee (TRANS/WP.30/AC.2/59, annexes 3, 5 and 7).

13. In particular, the Contact Group took note of the following new provisions of the TIR Convention that will be introduced as of 12 May 2002:

- (a) Terms “TIR procedure”, “TIR transport” and “TIR operation”
Article 1, paras. (a) and (b) of the TIR Convention

14. The Contact Group noted that the term “TIR procedure” should be used as the generic term when describing the operation of the TIR framework. As a consequence, it is recommended that the term “TIR procedure” should substitute the terms TIR system and TIR regime that have been used at large so far to describe the TIR framework.

15. The TIR Contact Group took note, in particular, of examples of a “TIR transport” and of “TIR operations” presented by the secretariat. It agreed that several TIR operations within one TIR transport may be started or terminated in one country, whereas it is not possible to have several Customs offices of departure as well as several offices of destination within one and the same TIR operation.

- (b) Terms “termination of a TIR operation ” and “discharge of a TIR operation”
Article 1, paras. (d) and (e) of the TIR Convention

16. The TIR Contact Group took note of the examples of termination and discharge that were presented by the secretariat. It noted that, applying the same provisions of the Convention, different procedures existed for the discharge of a TIR operation at national level, all of which were in line with provisions of the Convention.

- (c) Term “holder of a TIR Carnet”
Article 1, para. (o) of the TIR Convention

17. The TIR Contact Group took note of the new definition of the “holder of a TIR Carnet”. This definition provided some clarification of the role and responsibility of the person to whom the TIR Carnet has been issued and on whose behalf a TIR Customs declaration has been made.

18. In this context, the new Explanatory Notes to Article 8, paragraph 7 and to Article 11, paragraph 1 now also define the obligations of Customs authorities with regard to the transmission of notifications of non-discharge and of claims for payment to holders of TIR Carnets. In order for competent/Customs authorities to uphold their right to claim payment from the guaranteeing association in case of non-discharge of a TIR Carnet, they are at least obliged, before requiring payment from the national guaranteeing association, to notify the holder of a TIR Carnet as soon as possible of the non-discharge of a TIR operation, possibly at the same time when the national guaranteeing association is notified and/or to transmit to the holder a claim for payment. Thus, these new Explanatory Notes will provide a step forward in clarifying,

in particular, the provisions of Article 8, paragraph 7 and in particular the term “so far as possible”.

19. The Group noted that the obligations prescribed in the Explanatory Notes to the Convention are an integral part of the Convention and that the parties to the Convention are therefore bound by its provisions.

(d) Responsibilities of the international organization authorized to issue TIR Carnets
Article 6, para. 2 bis of the TIR Convention

20. The TIR Contact Group took note that the international organization accepting the responsibilities for the administration of the international TIR guarantee system, at present the IRU, will under the new provisions of the Convention also need to be authorized by the Contracting Parties to the Convention to take on responsibility for the effective organization and functioning of the international TIR guarantee system.

21. The TIR Contact Group expressed the expectation that given the know-how and experience of the IRU in the administration of the TIR Carnet and international guarantee system during the past five decades, this organization will continue to administer the international TIR guarantee chain following entry into force of the new provisions.

(e) Relationship between the international organization and its national representatives
Article 6, Explanatory note 0.6.2 bis

22. The TIR Contact Group noted that, under the new provisions of the Convention, the relationship between an international organization and its member associations must be defined by written agreements defining the functioning of the international TIR guarantee system.

23. The Contact Group was of the view that the specific conditions and requirements concerning this question needed to be studied in further detail, in particular considering both the needs of Customs authorities on the one hand and the contractual obligations of the IRU and its member associations on the other hand.

(f) Implementation of examples of best practices

TRANS/WP.30/AC.2/59, annex 7

24. The TIR Contact Group was informed in detail about the examples of best practices aiming at facilitating the application of the Convention at national level, in particular by providing examples for procedures of termination, discharge, inquiry procedures and documentation requirements. It noted that these examples of best practices should not be regarded as recommendations to adjust existing and well-functioning national procedures. They should rather be regarded as examples showing how relevant national Customs procedures could be designed, if need be, to align with the provisions and spirit of the TIR Convention.

(g) Practical implementation of the procedures adopted under Phase II of the TIR revision

25. The TIR Contact Group took note of a presentation by the Turkish Customs authorities on the implementation in Turkey of the computerized Customs transit system (BILGE) which contained fully automated procedures for TIR operations, in line with Phase II of the TIR revision process.

APPLICATION OF THE EXAMPLE AUTHORIZATION AND AGREEMENT

26. The TIR Contact Group was informed about the status of the example authorization and agreement developed by the TIR Executive Board (TIRExB). These examples have been developed with a view to providing guidance, particularly for new Contracting Parties to the Convention, in establishing the required contractual relationships with the national TIR Carnet issuing and guaranteeing associations. As these examples contain only the minimum conditions and requirements stipulated in the TIR Convention, Contracting Parties are free to establish other or additional conditions or requirements if deemed appropriate to facilitate the application of the TIR procedure at the national level.

APPLICATION OF THE RECOMMENDATIONS BY THE TIR ADMINISTRATIVE COMMITTEE OF 20 OCTOBER 1995 AND 20 OCTOBER 2000

27. The TIR Contact Group noted that, as a consequence of the amendments adopted under Phase II of the TIR revision process, the Recommendation adopted by the TIR Administrative Committee on 20 October 1995 would need to be slightly amended. The necessary amendments will be considered at the autumn session of the TIR Administrative Committee in October 2002, based on proposals by the secretariat.

28. In this context, the Contact Group took note that the transmission by Customs authorities

of data to the IRU SafeTIR system, in line with the Recommendation, should continue uninterrupted in the interim period since the required amendments do not affect the substance of these recommendations, but only introduce linguistic modifications.

29. The TIR Contact Group was also informed about the status of the International TIR Data Bank (ITDB) and the application of the Recommendation by the TIR Administrative Committee of 20 October 2002.

30. The TIR Contact Group took note of a presentation by the IRU on the IRU operated SafeTIR System, which provided many countries applying the TIR procedure with satisfactory results on the termination of TIR operations. It was, however, noted that the information flow could still be improved. In this context, the TIR Contact Group noted that the IRU and the TIR secretariat had established a Task Force in order to further improve the functioning of the SafeTIR system and to address concrete and specific problems in its application at national level in a few countries.

OTHER BUSINESS

31. The TIR Contact Group expressed its gratitude to the Government of Greece, in particular the Directorate General for Customs and Excise, for the professional organization of the meeting and the technical visit and, in particular, for the warm hospitality extended to all participants in the TIR Contact Group meeting in Athens.
