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Transport

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

Application of the Convention

Road vehicles considered as heavy or bulky goods

**Possible modification of a comment endorsed by the TIR
Administrative Committee for inclusion into the TIR Handbook**

Note by the UN/ECE secretariat

1. The TIR Administrative Committee, at its twenty-ninth session (19-20 October 2000), adopted the following comment to the newly proposed Article 3 of the Convention (TRANS/WP.30/AC.2/59, paras. 61 and 62 and Annex 6):

“Road vehicles considered as heavy or bulky goods

*If road vehicles or special vehicles regarded themselves as heavy or bulky goods are carrying other heavy or bulky goods so that both vehicle and goods at the same time fulfil the conditions set forth in Chapter III (c) of the Convention, only one TIR Carnet is needed bearing at the cover and all vouchers of the TIR Carnet the endorsement set forth in Article 32 of the Convention. If such vehicles are carrying normal goods in the load compartment or in containers, the vehicle or the containers must be previously approved under the conditions set forth in Chapter III (a) and the load compartment or the containers have to be sealed. **Also an additional Carnet has to be used for such transports. Appropriate inscriptions to this effect should be made in each of the TIR Carnets utilized.***

The provisions of Article 3 (a) (iii) of the Convention apply in the case of road vehicles or special vehicles being exported from the country where the Customs office of departure is located and being imported into another country where the Customs office of destination is located. In this case, the provisions of Article 15 of the Convention referring to the temporary importation of a road vehicle are not applicable. Thus, Customs documents in respect of temporary importation of such vehicles are not required.”

2. Following the above session, Estonia submitted Informal Document No. 5 (2001) proposing modifications to be made to the comment. The TIR Administrative Committee, at its thirtieth session (22-23 February 2001), took note of these proposals and invited the Working Party to consider them and to report back to the Committee at its next session (TRANS/WP.30/AC.2/61, para. 53).

3. Estonia proposed to delete the two sentences of the above comment as indicated in bold in order to avoid a contradiction to Article 17, paragraph 1 of the Convention which reads as follows:

"A single TIR Carnet shall be made out in respect of each road vehicle or container. However, a single TIR Carnet may be made out in respect of a combination of vehicles or for several containers loaded on to a single road vehicle or on to a combination of vehicles. In that case the TIR manifest of the goods covered by the TIR Carnet shall list separately the contents of each vehicle in the combination of vehicles or of each container."

4. In fact, the wording of Article 17, paragraph 1 does not exclude the possibility of making out several TIR Carnets for a single TIR transport carried out by means of a combination of vehicles or several containers. On the contrary, it stipulates, as a general rule, that for each road vehicle or container a separate TIR Carnet is required even if they travel as a unit. However, with a view to facilitating Customs procedures another option is also foreseen - only one TIR Carnet may be made out

for a combination of vehicles or for several containers loaded on to a single road vehicle or on to a combination of vehicles. This option (but not the requirement!) is also provided for in Nos. 4 and 10 d) of the Rules regarding the use of the TIR Carnet. Thus, it may be concluded that Article 17 gives Customs authorities and TIR Carnet holders a certain flexibility concerning the number of TIR Carnets required for a single TIR transport.

5. The earlier adopted comment specifically addresses the situation when vehicles considered as heavy or bulky goods are carrying normal goods to be transported under Customs seals in the load compartment or in containers. To determine the validity of this comment, the specific provisions of the Convention concerning heavy or bulky goods should be taken into account.

6. According to Article 30 of the Convention, "all the provisions of this Convention, save those to which the special provisions of this section make an exception, shall apply to the transport of heavy or bulky goods under the TIR procedure". One of such exceptions is given in Article 32: "The cover and all vouchers of the TIR Carnet shall bear the endorsement "heavy or bulky goods" in bold letters in English or in French". Obviously, normal goods are not allowed to be transported under cover of the TIR Carnet bearing such an endorsement.

7. The objective of Article 32 is to provide a clear distinction between normal goods to be transported under Customs seal and heavy or bulky goods which may be carried by means of non-sealed vehicles or containers in line with Article 29.

8. Thus, if heavy or bulky goods are transported together with normal goods (as in the situation in question), a single TIR Carnet would have to bear the endorsement "heavy or bulky goods", and, at the same time, should not bear that inscription for the normal goods. This case is foreseen by applying two separate TIR Carnets to normal goods and heavy or bulky goods. Such a solution is duly reflected in the two sentences from the comment at issue and will facilitate Customs control over TIR operations which involve road vehicles considered as heavy or bulky goods and travelling by their own means.

9. In view of the above consideration, the secretariat is of the opinion that the comment to Article 3 as endorsed by the TIR Administrative Committee is not in contradiction to Article 17, paragraph 1 of the Convention and would thus not need to be modified.
