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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions
affecting Transport

(Ninety-ninth session, 23-26 October 2001,
agenda item 7 (b) (ii))

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

Revision of the Convention

Preparation of Phase III of the TIR revision process

Increase in the number of loading and unloading places ^{*}

Revision 1

Note by the UNECE secretariat

1. The Working Party, at its ninety-eighth session, took note that around 10 per cent of TIR Carnets used include more than two Customs offices of departure and destination and that a large number of TIR Carnet issuing associations had been informed by transport operators about their wish to increase the number of Customs offices of departure and destination to a total of 6 to 7 such offices (TRANS/WP.30/196, para. 41).

* Original English only version exists as document TRANS/WP.30/2001/19.

2. In view of the relatively small number of cases involving, during a TIR transport, more than 4 Customs offices of departure and destination, as allowed for by the TIR Convention, the IRU proposed to allow, by modifying Article 18 of the Convention, an increase in the maximum permissible number of Customs offices, possibly up to six, but to leave the number of corresponding boxes in the TIR Carnet indicating the Customs offices involved unchanged; i.e. at four. The IRU suggested that, in case more than four Customs offices were involved during a TIR transport, two TIR Carnets, sealed together by Customs authorities at the Customs office of departure, might be used (TRANS/WP.30/196, paras. 41 and 42).

3. Following the session of the Working Party, the secretariat was informed by one Contracting Party that such practice has led to considerable difficulties in Customs control over TIR operations and thus should not be permitted (for details see the annex to this document).

4. The Working Party, at its ninety-eighth session, also requested the secretariat to prepare a document on possible alternative solutions in this regard taking also due account of Customs control requirements. The European Commission offered to make an input to this document (TRANS/WP.30/196, para. 43). In accordance with this request, the secretariat has prepared the following considerations.

5. Article 17, paragraph 1 of the Convention stipulates that *"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"*. The same provision is reproduced in Annex 1 to the Convention. There exist no other references to the number of TIR Carnets to be made out, except for the comment "Possibility of using two TIR Carnets for a single transport operation" (1999 TIR Handbook, page 53).

6. Thus, it could be concluded that issuance of several TIR Carnets for one road vehicle (with a single sealed load compartment) or container would not be in line with the Convention. Therefore, within the framework of the current wording of Article 17, the only possibility of increasing the number of Customs offices of departure and destination would be the use of two or more TIR Carnets for a combination of vehicles or for several containers loaded on to a single road vehicle or on to a combination of vehicles. Each TIR Carnet would have to cover goods carried in a separate sealed load compartment or container. For example, for two TIR Carnets (two load compartments) there could be up to 8 Customs offices of departure and destination, 12 said offices for 3 TIR Carnets (3 load compartments), etc.

7. This procedure, however, requires the separation of cargo in respect of the different Customs offices of destination into separate and Customs sealed load compartments or containers that also allow easy access by Customs authorities for control measures.
 8. Another option allowing for an increase in the maximum permissible number of Customs offices is provided for by the above-mentioned comment (1999 TIR Handbook, page 53), i.e. the consecutive use of two TIR Carnets for a single transport operation. The first TIR Carnet could cover up to 4 Customs offices of departure and destination. After its completion and termination at the fourth Customs office, a new TIR Carnet may be opened and used for the remainder of the transport operation. It is essential, however, that the remainder of the journey is carried out across at least one border, in order to fulfil the conditions laid down in Article 2 of the Convention.
 9. This procedure however may lead to delays in the execution of the transport operation (see annex) and necessitates that Customs authorities establish for control purposes an administrative link between the two TIR Carnets used.
 10. In case Customs authorities see no administrative and control problem in increasing the number of Customs offices to be used for TIR transports, another solution would be to amend Article 18 as well as Annex 1 to the Convention "Model of TIR Carnet" with the view to increasing the maximum number of Customs offices to more than four, such as up to six and to increasing the number of corresponding boxes in the TIR Carnet indicating the Customs offices involved accordingly.
 11. Apart from the fact that the legal procedure to amend the Convention will need considerable time before it may come into force, the required space on the relevant pages of the TIR Carnet may not be available without modifying the content and lay-out of the Carnet considerably.
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Annex

COMMUNICATION

Transmitted by the State Customs Committee of the Russian Federation

25 July 2001

At the ninety-eighth session of the Working Party on Customs Questions affecting Transport, the question of increasing the number of places for loading and unloading was considered in the context of Phase III of the TIR revision process.

Given that the statistics supplied by the International Road Transport Union (IRU) show the number of such places to be insignificant, it was thought undesirable to make appropriate amendments to the 1975 TIR Convention. As an alternative in these circumstances, IRU suggested the use of two TIR Carnets per vehicle. The Working Party did not discuss this question and therefore did not deliver an opinion, but in the course of their work the Customs authorities of the Russian Federation have already encountered this situation which has given rise to certain problems in connection with the checking and discharge of TIR Carnets.

For example, goods were transported from Germany to the Russian Federation in one vehicle under cover of two TIR Carnets. The first TIR Carnet specified that the goods were to be delivered to Novgorod (one unloading place), and the second to the Moscow region (three unloading places).

The Customs authority at the Russian border forwarded the goods under cover of the first TIR Carnet to Novgorod, and those covered by the second TIR Carnet to the Moscow region. Since the goods were being transported in one and the same vehicle, they were conveyed to Novgorod. The goods under cover of the first TIR Carnet were unloaded at the Customs office in Novgorod and the Carnet was terminated. The question then arose as to how the Novgorod Customs authorities should discharge the second TIR Carnet. It was decided to resort to the procedure specified in Article 24 of the 1975 TIR Convention, since it was necessary to affix new Customs seals to the load compartment. Meanwhile the carrier had missed the deadline for delivery of the goods under cover of the second TIR Carnet because handling operations in connection with the goods covered by the first TIR Carnet and the completion of the relevant Customs formalities had taken some time. Furthermore, in view of the unusual nature of the situation, the Novgorod Customs authorities decided that a Customs escort would be required.

Consequently, the transport operator incurred additional costs in terms of time, money and reputation that could have been avoided if, in strict compliance with the 1975 TIR Convention, a single TIR Carnet had been prepared for the vehicle.

In order to avoid similar situations in the future, we think it advisable to adhere to the provisions of the 1975 TIR Convention and to allow the use of two TIR Carnets for goods transported in one and the same vehicle, only when the goods under cover of each Carnet are carried in separate sealed load compartments.
