



# Economic and Social Council

Distr.: General  
3 December 2015

Original: English

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## Economic Commission for Europe

### Inland Transport Committee

#### Working Party on Customs Questions affecting Transport

##### 142nd session

Geneva, 9–12 February 2016

Item 4 (b) (i) of the provisional agenda

**Customs Convention on the International Transport of Goods under  
Cover of TIR Carnets (TIR Convention, 1975):**

**Revision of the Convention:**

**Amendment proposals to the Convention**

### **Amendment proposals to the Convention – proposals of an editorial nature<sup>1</sup>**

Note by the secretariat\*, \*\*

#### **I. General background and mandate**

1. At its ~~previous~~**140th** session, the Working Party considered document ECE/TRANS/WP.30/2015/9, containing an assessment by the secretariat on the use of the terms “approved” and “authorized” throughout the text of the Convention. While some delegations questioned the urgency of discussing amendment proposals of a linguistic or procedural nature, the Working Party provisionally agreed that the proposal to replace the term “approved” in Article 3 (b) as well as in Article 6, paragraph 2, for the sake of creating consistency in terminology applied throughout the Convention, merits closer examination and requested the secretariat to prepare a new document with concrete proposals to this effect for consideration its next session (see ECE/TRANS/WP.30/280, para. 6 (e)). To this

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<sup>1</sup> The modifications to document ECE/TRANS/WP.30/2015/17 are marked in strikethrough for deleted and in bold italics for new text. This document also takes on board the corrections in document ECE/TRANS/WP.30/2015/17/Corr.1.

\* The present document was not edited before being sent to the United Nations translation services.

\*\* The document was submitted late for processing since clearance in finalizing this document took longer than anticipated.

end, the secretariat prepared document ECE/TRANS/WP.30/2015/17 for consideration of the Working Party.

2. *At its 142nd session, the Working Party agreed that, over the years, various terms have been used inconsistently or, at least without, seemingly, proper research. The Working Party requested the secretariat to prepare a revision of the said document and include other editorial alignments and highlight the situations where a change in term seemed appropriate and submit them for further consideration at the next session (ECE/TRANS/WP.30/282, para. 10). The Working Party took note of document ECE/TRANS/WP.30/2015/20, in which the Government of Belarus informed the secretariat that it supports the Russian proposal [to amend Annex 9, Part I, paragraph 7, line 2, replacing “Contracting Parties” by “Contracting Party”]. The Working Party requested the secretariat to include this proposal in the list of editorial alignments (ECE/TRANS/WP.30/282, para. 14).*

2bis. In this document, the secretariat enumerates all provisions of the Convention which would benefit from editorial consistency. *In addition, the secretariat also highlights situations where a change in term seems appropriate.*

## II. Amendment proposals of an editorial nature

### A. Contracting Party<sup>2</sup> / Customs authorities /Competent authorities / Customs administration

3. All through the legal text of the Convention a variety of terminology is used in order to establish the authority in charge of any activity or responsibility. The question is whether this has been done on purpose, identifying different entities or if there is simply a lack of consistency. This is demonstrated by the following list:

(1) Article 1 (e): Discharge of a TIR operation shall mean the recognition by customs authorities (...). This is established by the customs authorities...

Comments by the secretariat: New text<sup>3</sup>; Amendment 21, entry into force on 12 May 2002. As this refers to the customs-specific task of discharge, it is proposed to keep this wording unchanged.

(2) Explanatory Note 0.1 (f) to Article 1 (f): The fees and charges (...) levied by Contracting Parties...

Comments by the secretariat: Original wording. As this refers to a generic task of countries, it is proposed to keep this wording unchanged.

(3) Article 1 (q): Guaranteeing association shall mean an organization authorized by the customs authorities of a Contracting Party (with a proposal by the Russian Federation to change this into: customs authorities or other competent authorities);

Comments by the secretariat: Original wording. As this refers to a generic task of countries, it is proposed to align the wording of Article 1 (q), Article 6, para. 1, Explanatory Note 0.6.2. and Annex 9, Part I, para. 1. ***In the view of the secretariat, this means that the words “the customs authorities of” should be deleted.***

(4) Explanatory Note 0.2-1 to Article 2: Article provides that a transport operation (...). In such cases, there is nothing to prevent the customs authorities (...). It is nevertheless recommended that customs authorities should not insist...

Comments by the secretariat: Original wording. As this refers to the customs-specific task of requiring a duty-free importation document, it is proposed to keep the wording unchanged.

(5) Explanatory Note 0.2-2 to Article 2: The provision of this Article (...). In these exceptional cases the Contracting Parties shall nevertheless...

Comments by the secretariat: Original wording. As the text refers to the customs-specific activity of accepting the TIR Carnet, ***the secretariat*** ~~it is proposed~~ to change the wording into “customs authorities”.

(6) Article 5, para 2: However, to prevent abuses, customs authorities may in exceptional cases (...) carry out an examination of the goods at such offices.

<sup>2</sup> The list does not enumerate the cases where “Contracting Party” refers to a country or other territorial entity.

<sup>3</sup> In this document, original wording refers to the wording that has been there since the drafting of the Convention in 1975; amended wording refers to text that has been there before but which, at a certain point in time, has been amended or reworded; new text refers to newly introduced text without any prior history.

Comments by the secretariat: Original wording. As this refers to customs-specific activities at customs offices en route, it is proposed to keep the wording unchanged.

(7) Explanatory Note 0.5 to Article 5: This Article does not exclude (...) which are certified by the customs authorities at the office of departure.

Comments by the secretariat: Original wording. As this refers to the customs-specific task of certified controls, it is proposed to keep the wording unchanged.

(8) Article 6, para 1: Each Contracting Party may authorize associations...

(9) Explanatory Note 0.6.2 to Article 6, para. 2: Under the provisions of this paragraph, the customs authorities of a country...

Comments by the secretariat to points 8 and 9: Original wording. As this refers to a generic task of countries, it is proposed to align the wording of Article 1 (q), Article 6, para. 1, Explanatory Note 0.6.2. and Annex 9, Part I, para. 1. ***In the view of the secretariat, this means that the term “approved” in Explanatory Note 0.6-2 should be replaced by “authorized”.***

(10) Article 6, para. 3: An association shall issue TIR Carnets (...) not been refused by the competent authorities of Contracting Parties in which the person is resident or established.

Comments by the secretariat: New text; Amendment 19, entry into force on 17 February 1999. As the authorization of TIR Carnet holders is a matter of various authorities, it is proposed to keep the wording unchanged.

(11) Article 8, para. 3: Each Contracting Party shall determine...

Comments by the secretariat: Original wording. As this refers to the generic task of countries, it is proposed to keep the wording unchanged.

(12) Explanatory Note 0.8.3 to Article 8, para. 3: Contracting Parties are recommended (...). In case of transport of alcohol and tobacco (...) customs authorities are recommended...

Comments by the secretariat: Amended wording: Original wording “customs authorities” ***in the first sentence*** replaced by “Contracting Parties” in amendment 30, entry into force on 13 September 2012. As this refers to generic task of countries, ~~it is the secretariat~~ ***proposes to keep the wording unchanged. The term “customs authorities” in the second sentence refers to a customs-specific task. Therefore, the secretariat proposes to keep the wording unchanged.***

(13) Explanatory Note 0.8.5 to Article 8, para. 5: If a payment request (...), the administration concerned...

Comments by the secretariat: New text; Amendment 6, entry into force on 1 August 1985. As this is one of the few times in the text of the Convention, that there is a reference to administration, ~~it is the secretariat~~ ***proposes to change the wording into “customs authorities”.***

(14) Article 10, para. 2: When the customs authorities of a Contracting Party have discharged a TIR operation...

Comments by the secretariat: Original wording. As this refers to the customs-specific activity of discharge, it is proposed to keep the wording unchanged.

(15) Article 11, para. 1: Where a TIR operation has not been discharged, the competent authorities shall (...). The competent authorities shall notify...

Comments by the secretariat: Amended text; Amendment 30, entry into force on 13 September 2012. Original wording “Where a TIR Carnet has not been discharged or has been discharged conditionally, the competent authorities... As this refers to the customs-specific activity of (non)discharge, ~~it is the secretariat~~ proposes to change the wording into “customs authorities” in both places.

(16) Article 11, para. 2: Where the payment of the sums (...) becomes due, the competent authorities shall...

(17) Explanatory Note 0.11.2 to Article 11, para. 2: The efforts to be made by the competent authorities...

Comments by the secretariat to points 16–17: New text; Amendment 30, entry into force on 13 September 2012. As this refers to the customs-specific activity of requesting payment, ~~it is the secretariat~~ proposes to change the wording into “customs authorities”.

(18) Explanatory Note 0.11-3-1 to Article 11, para. 3: In deciding whether or not to release the goods or vehicle, competent authorities should...

Comments by the secretariat: Amended wording: Original wording “customs authorities” replaced by “competent authorities” in amendment 30, entry into force on 13 September 2012. As this refers to the customs-specific activity of requesting payment, ~~it is the secretariat~~ proposes to change the wording into “customs authorities”.

(19) Explanatory Note 0.11-3-2 to Article 11, para. 3: The competent authorities may inform (...). In any event, the competent authorities shall inform...

Comments by the secretariat: New text; Amendment 30, entry into force on 13 September 2012. As this refers to the customs-specific activity of requesting payment, ~~it is the secretariat~~ proposes to change the wording into “customs authorities”.

(20) Explanatory Note 0.11.4: If a guaranteeing association (...), the competent authorities may rely...

Comments by the secretariat: Original wording. As this refers to the customs-specific activity of notification of requesting payment, ~~it is the secretariat~~ proposes to change the wording into “customs authorities”.

(21) Article 11, para. 5: The sums paid (...) to the satisfaction of the competent authorities...

Comments by the secretariat: Amended wording: Original wording “customs authorities” replaced by “competent authorities” in amendment 30, entry into force on 13 September 2012. As this refers to the customs-specific activity of requesting payment, ~~it is the secretariat~~ proposes to change the wording into “customs authorities”.

(22) Article 14, para. 1: Each Contracting Party reserves the right (...). Nevertheless, Contracting Parties shall avoid...

Comments by the secretariat: Original wording. As this refers to the generic task of countries, it is proposed to keep the wording unchanged.

(23) Article 15, para. 2: The provisions of paragraph 1 of this Article shall not prevent a Contracting Party...

Comments by the secretariat: Original wording. As this refers to the generic task of maintaining national regulations, it is proposed to keep the wording unchanged.

(24) Explanatory Note 0.15 to Article 15: Certain difficulties (...). In that case (...), while assuring adequate protection for the customs authorities...

Comments by the secretariat: Original wording. As this refers to customs-specific activities, it is proposed to keep the wording unchanged.

(25) Explanatory Note 0.17-1 to Article 17, para. 1, second para.: If the carrier can satisfy the relevant authorities...

Comments by the secretariat: Original wording. As this is the only time that this wording appears in the text of the Convention and as it refers to custom-specific activities, ~~it is the secretariat~~ proposes to change the wording into “relevant customs authorities”.

(26) Explanatory Note 0.18-1 to Article 18: It is essential for the smooth operation of the TIR procedure, that the customs authorities...

Comments by the secretariat: Original wording. As this refers to the customs-specific activity of designating a customs office, it is proposed to keep the wording unchanged.

(27) Article 19: The goods (...). The customs authorities of the country of departure (...) under the responsibility of the said customs authorities by duly authorized persons.

Comments by the secretariat: Original wording. As this refers to the customs-specific activities at the customs office of departure, it is proposed to keep the wording unchanged.

(28) Article 20: For journeys in the territory of their country, the customs authorities...

(29) Explanatory Note 0.20 to Article 20: When fixing time-limits (...), customs authorities must...

Comments by the secretariat to points 28 and 29: Original wording. As this refers to the customs-specific activity of setting a time-limit, it is proposed to keep the wording unchanged.

(30) Article 21: Each customs office (...) to the customs authorities

(31) Explanatory Note 0.21-1 to Article 21: The provisions of this Article do not restrict the right of customs authorities...

Comments by the secretariat: Original wording. As this refers to customs-specific activities, it is proposed to keep the wording unchanged.

(32) Explanatory Note 0.21-3 to Article 21: In the course of an examination, customs authorities...

Comments by the secretariat to points 30–32: Original wording. As this refers to customs-specific activities, it is proposed to keep the wording unchanged.

(33) Article 22, para. 1: As a general rule (...), the customs authorities (...). The said customs authorities...

Comments by the secretariat: Original wording. As this refers to customs-specific tasks related to the acceptance of seal, it is proposed to keep the wording unchanged.

(34) Article 22, para. 2: The customs seals, thus accepted by a Contracting Party...

Comments by the secretariat: Original wording. As this refers to the generic acceptance by countries, it is proposed to keep the wording unchanged.

(35) Article 23: The customs authorities shall not...

Comments by the secretariat: Original wording. As this refers to the customs-specific task of prescribing escorts, it is proposed to keep the wording unchanged.

(36) Article 24: If the customs authorities conduct...

Comments by the secretariat: Original wording. As this refers to the customs-specific task of examination, it proposed to keep the wording unchanged.

(37) Article 26, para. 1: When transport under cover of a TIR Carnet (...). In that case, the customs authorities (...). Where the customs seals have not remained intact, the customs authorities may accept...

Comments by the secretariat: Amended wording, but always with a reference to customs authorities. Latest amendment No 24, entry into force on 19 September 2004. As this refers to customs-specific tasks related to the acceptance of the TIR Carnet, it is proposed to keep the wording unchanged.

(38) Article 28, para. 1: Termination of a TIR operation shall be certified by the customs authorities...

Comments by the secretariat: New text; Amendment 21, entry into force on 12 May 2002. As this refers to the customs-specific task of termination, it is proposed to keep the wording unchanged.

(39) Explanatory Note 0.28-2 to Article 28: This Article provides that (...), or the storage of the goods in a place approved by the customs authorities...

Comments by the secretariat: New text; Amendment 30, entry into force on 12 September 2012. As this refers to customs-specific tasks related to placing the goods under another customs procedure, it is proposed to keep the wording unchanged.

(40) Article 33: The authorities at the customs office of departure...

Comments by the secretariat: Original wording. As this refers to customs-specific tasks at the customs office of departure, ~~it is~~ *the secretariat* ~~proposes~~ to change the wording into "customs authorities".

(41) Article 34: The authorities at the customs office en route (...) affixed by the competent authorities of other Contracting Parties...

Comments by the secretariat: Original wording. As this refers to customs-specific tasks at the customs office en route, ~~it is~~ *the secretariat* ~~proposes~~ to change the wording into "customs authorities".

(42) Article 35: If customs authorities conducting an examination...

Comments by the secretariat: Original wording. As this refers to the customs-specific task of examining the load, it is proposed to keep the wording unchanged.

(43) Article 38, para. 1: Each of the Contracting Parties shall have the right to exclude...

Comments by the secretariat: Original wording. As this is a sovereign right of countries according to provisions of national legislation, it is proposed to keep the wording unchanged.

(44) Article 38, para. 2: This exclusion shall be notified within one week to the competent authorities of the Contracting Party...

Comments by the secretariat: Amended wording; original wording “customs authorities” replaced by “competent authorities” in amendment 19, entry into force on 17 February 1999. As such information may, indeed, be sent to other authorities than customs, it is proposed to keep the wording unchanged.

(45) Article 39, para. 1: The Contracting Parties shall disregard...

Comments by the secretariat: Original wording. As this provision refers to the customs-specific task of accepting TIR operations, it is proposed to change the wording into “the customs authorities of Contracting Parties”.

(46) Article 39, para. 2: Likewise, discrepancies (...) to the satisfaction of the competent authorities...

Comments by the secretariat: Original wording. As this part of the provision refers to the production of evidence, which might be required by other authorities than customs, it is proposed to keep the wording unchanged. ~~customs specific task of accepting TIR operations, it is proposed to change the wording unchanged.~~

(47) Article 40: The customs administrations of...

Comments by the secretariat: Original wording. For the sake of consistency, it is proposed to change the wording into “customs authorities”.

(48) Article 41: When it is established to the satisfaction of the customs authorities...

Comments by the secretariat: Original wording. ***It is proposed to keep the wording unchanged.***

(49) Article 42: On receipt from a Contracting Party of a request giving the relevant reasons, the competent authorities...

Comments by the secretariat: Original wording. As it is the sovereign right of Contracting Parties in accordance with provisions of national legislation to request information, it is proposed to keep the wording unchanged.

(50) Article 42 bis: The competent authorities (...). National control measures (...) by the competent authorities...

Comments by the secretariat: New text; Amendment 19, entry into force on 17 February 1999. As the TIR procedure as well as taking measures involves more than only customs authorities, it is proposed to keep the wording unchanged.

(51) Article 42 ter: The competent authorities...

Comments by the secretariat: New text; Amendment 19, entry into force on 17 February 1999. As measures can be taken by different authorities, it is proposed to keep the wording unchanged.

(52) Article 44–64: consistent use of the term ‘Contracting Party’, with following particularities:

- Article 45: Each Contracting Party shall cause to be published...
- Explanatory Note 0.45 to Article 45: Contracting Parties...
- Article 46, para. 2: Contracting Parties shall arrange...
- Article 48: Nothing in this Convention shall prevent Contracting Parties...
- Article 49: This Convention shall not prevent the application of greater facilities which Contracting Parties grant...

- Article 50: The Contracting Parties shall communicate...
- Article 56, para. 2: Certificates of approval (...) by Contracting Parties to this Convention...

Comments by the secretariat: Original wording. As this concerns generic rights of countries, it is proposed to keep the wording unchanged.

(53) Annex 1, Rule 10, 11, 13, 14, 15: ‘customs authorities’.

(54) Comments by the secretariat: Original wording. As these rules apply to customs-specific tasks related to the treatment of TIR Carnets, it is proposed to keep the wording unchanged.

(55) Annex 3, para. 7: The competent authorities of the country of registration (...), the competent authorities of the country...

Comments by the secretariat: Original wording. As, in different countries, different authorities may be in charge of vehicle approval, it is proposed to keep the wording unchanged.

(56) Annex 3, para. 8: The owner, the operator or the representative of either shall apply to the competent authority for individual approval. The competent authority shall...

(57) Annex 3, para. 12 (a): produce to the competent authority...

(58) Annex 3, para. 12 (b): permit the competent authority...

(59) Annex 3, para. 12 (c): advise the competent authority...

(60) Annex 3, para. 13: The competent authority shall...

(61) Annex 3, para. 14: No approval by design-type shall be granted unless the competent authority...

(62) Annex 3, para. 15: The competent authority shall notify...

(63) Annex 3, para. 16: The competent authority shall take...

Comments by the secretariat to points 56–63: Original wording. ~~For the sake of consistency, it is~~*The secretariat* ~~proposes to change the wording into “competent authorities”~~*to keep the wording unchanged.*

(64) Annex 3, Explanatory Note 3.0.17 to para. 17, point 1: Annex 3 provides that the competent authorities of the Contracting Party...

(65) Annex 3, Explanatory Note 3.0.17 to para. 17, point 2: These provisions are not intended to restrict the right of the competent authorities of the Contracting Party...

(66) Annex 3, para. 19: When an approved vehicle (...), the competent authorities of the Contracting Parties...

(67) Annex 3, para. 20: In each of the cases, the customs authorities shall make an appropriate endorsement (...) presented to the competent authorities of a Contracting Party...

Comments by the secretariat to points 64–67: Original wording. For the sake of consistency, it is proposed to keep the wording unchanged.

(68) Annex 3, Explanatory Note 3.0.20 to para. 20: When (...) name, signature and stamp of the competent authority concerned.

Comments by the secretariat: Original wording. ~~For the sake of consistency, it is proposed to change the wording into “competent authorities”~~*The secretariat* ~~proposes to change the wording into “competent authorities”~~*to keep the wording unchanged.*

(69) Annex 3, para. 21: Each endorsement (...) shall be dated and authenticated by the competent authorities.

Comments by the secretariat: Original wording. For the sake of consistency, it is proposed to keep the wording unchanged.

(70) Annex 3, para. 22: When a vehicle is found to have defects which the customs authorities...

Comments by the secretariat: Original wording. ~~For the sake of consistency, it is~~*The secretariat* ~~proposes to change the wording into “competent authorities”~~*to keep the wording unchanged.*

(71) Annex 4, Model Certificate, cover: Issued by...competent authority.

Comments by the secretariat: Original wording. As there can only be one single competent authority per certificate, it is proposed to keep the wording unchanged.

(72) Annex 4, Model certificate, Remarks: reserved for the use of competent authorities.

Comments by the secretariat: Original wording. For the sake of consistency, it is proposed to keep the wording unchanged.

(73) Annex 4, Notice 1: When the authority (...) authenticated by the authority (...) inserted by the competent authority...

Comments by the secretariat: Original wording. *The secretariat proposes to keep the wording unchanged.*

(74) Annex 4, Notice 3: Road vehicles (...) to the competent authorities...

Comments by the secretariat: Original wording. For the sake of consistency, it is proposed to keep the wording unchanged.

(75) Annex 4, Notice 5: If the essential characteristics (...) re-approved by the competent authority...

Comments by the secretariat: Original wording. ~~For the sake of consistency, it is~~*The secretariat* ~~proposes to change the wording into “competent authorities”~~*to keep the wording unchanged.*

*(75 a) Annex 7, Part II, para. 2: The competent authority responsible...*

*(75 b) Annex 7, Part II, para. 7: If the essential characteristics (...) by the competent authority before...*

*(75 c) Annex 7, Part II, para. 8: Where the containers (...) apply to the competent authority...*

*(75 d) Annex 7, Part II, para. 11, subparagraph (a): produce to the competent authority...*

*(75 e) Annex 7, Part II, para. 11, subparagraph (b): permit the competent authority...*

*(75 f) Annex 7, Part II, para. 11, subparagraph (c): advise the competent authority...*

*(75 g) Annex 7, Part II, para. 12: The competent authority...*

(75 h) Annex 7, Part II, para. 13: No type-approval (...) unless the competent authority...

(75 j) Annex 7, Part II, para. 15: If approval has not (...) to the competent authority...

(75 k) Annex 7, Part II, para. 17: When the competent authority...

(75 l) Annex 7, Part II, Appendix 2, Important Notice, point 7: If the essential characteristics (...) by the competent authority...

**Comments by the secretariat to points 75a–75l: Original wording. For the sake of consistency, it isThe secretariat proposes to change the wording into “competent authorities” to keep the wording unchanged.**

(76) Annex 8, Article 1 (ii): The Committee may decide that the competent administrations of States...

Comments by the secretariat: Original wording. For the sake of consistency, ~~it is~~ **the secretariat** proposes to change the wording into “competent authorities”.

(77) Annex 8, Article 10 (c): coordinate and foster the exchange of intelligence and other information among competent authorities of Contracting Parties.

(78) Annex 8, Article 10 (d): coordinate and foster the exchange of information between competent authorities of Contracting Parties...

Comments by the secretariat to points 77–78: New text; Amendment 19, entry into force on 17 February 1999. For the sake of consistency, it is proposed to keep the wording unchanged.

(79) Annex 8, Article 10 (f): support the training of personnel of customs authorities and other interested parties...

Comments by the secretariat: New text; Amendment 19, entry into force on 17 February 1999. In view of the mandate of TIRExB and the expertise of its members in the field of customs, it is proposed to keep the wording unchanged.

(80) Annex 8, Article 10 (g): maintain a central record for the dissemination to Contracting Parties...

Comments by the secretariat: New text; Amendment 19, entry into force on 17 February 1999. For the sake of consistency, ~~it is~~ **the secretariat** proposes to change the wording into “competent authorities of Contracting Parties”.

(81) Annex 9, Part I, para. 1: The conditions and requirements to be complied with by associations in order to be authorized by Contracting Parties...

Comments by the secretariat: New text; Amendment 19, entry into force on 17 February 1999. As this refers to a generic task of countries, it is proposed to align the wording of Article 1 (q), Article 6, para. 1, Explanatory Note 0.6.2. and Annex 9, Part I, para. 1. **In the view of the secretariat, this means that in this case the wording should remain unchanged.**

(82) Annex 9, Part I, para. 1 (d): Establishment (...) the competent authorities of the Contracting Party...

Comments by the secretariat: New text; Amendment 19, entry into force on 17 February 1999. For the sake of consistency, it is proposed to keep the wording unchanged.

(83) Annex 9, Part I, para. 3 (ii): accept the maximum sum per TIR Carnet determined by the Contracting Party...

Comments by the secretariat: New text; Amendment 19, entry into force on 17 February 1999. Reshuffled by Amendment 29, entry into force on 1 January 2012. As this refers to the generic task of countries, it is proposed to keep the wording unchanged (in alignment with point 11).

(84) Annex 9, Part I, para. 3 (v): cover its liabilities to the satisfaction of the competent authorities of the Contracting Party...

(85) Annex 9, Part I, para. 3 (vi): allow the competent authorities to verify (...) relating to the administration of the TIR procedure.

(86) Annex 9, Part I, para. 3 (ix): comply strictly with the decisions of the competent authorities of the Contracting Party...

(87) Annex 9, Part I, para. 3 (x): agree to implement (...) in as much as the competent authorities of the Contracting Party...

Comments by the secretariat to points 84–87: New text; Amendment 19, entry into force on 17 February 1999. Reshuffled by Amendment 29, entry into force on 1 January 2012. For the sake of consistency, it is proposed to keep the wording unchanged.

(88) Annex 9, Part I, para. 5: The Contracting Party (...). Should a Contracting Party...

Comments by the secretariat: Amended wording; Amendment 29, entry into force on 1 January 2012. Original wording from Amendment 19 started with the words “Contracting Parties”. As an association can only be established in one single Contracting Party, it is proposed to keep the wording unchanged.

(89) Annex 9, Part I, para. 7: The (...) conditions and requirements Contracting Parties may wish to prescribe.

Comments by the secretariat: New text; Amendment 19, entry into force on 17 February 1999. Reshuffled by Amendment 29, entry into force on 1 January 2012. It is proposed to align the text with the text of Annex 9, Part I, para. 1 (see point 81). ***At the same time, the Russian Federation proposes in document ECE/TRANS/WP.30/2014/17 to change the wording “Contracting Parties” in “Contracting Party”. As the term “Contracting Parties” is used consistently throughout the text of the Convention in general and Annex 9, Part I in particular to indicate that this provision applies to all Contracting Parties, whereas the reference to “Contracting Party” in Annex 9, Part I, para. 5 refers only to a single Contracting Party (in which an association is established), the secretariat is of the view that the wording should remain unchanged.***

(90) Annex 9, Part II, para. 1, (e) (ii): will pay (...) by the competent authorities...

Comments by the secretariat: New text; Amendment 19, entry into force on 17 February 1999. References updated by Amendment 29, entry into force on 1 January 2012. As this refers to the customs-specific activity of requesting payment, ~~it is~~ ***the secretariat*** proposes to change the wording into “customs authorities” (see point 16).

(91) Annex 9, Part II, para. 2: Additional (...) by the competent authorities of Contracting Parties (...) unless the competent authorities decide otherwise.

Comments by the secretariat: New text; Amendment 19, entry into force on 17 February 1999. As the authorization of TIR Carnet holders is a matter of various authorities, it is proposed to keep the wording unchanged (see point 10).

(92) Annex 9, Part II, para. 3: Contracting Parties will...

Comments by the secretariat: New text, Amendment 19, entry into force on 17 February 1999. As this refers to the generic competence of Contracting Parties, it is proposed to keep the wording unchanged.

(93) Annex 9, Part II, Explanatory Note 9.II.3 to para. 3: It is recommended (...) competent authorities...

(94) Annex 9, Part II, para. 4: The competent authorities...

(95) Annex 9, Part II, para. 5 The (...) to the competent authorities. The competent authorities...

Comments by the secretariat to points 93–95: New text; Amendment 19, entry into force on 17 February 1999. For the sake of consistency, it is proposed to keep the wording unchanged.

(96) Annex 9, Model Authorization Form: For each person (...) to the competent authorities: (...) Contact point (natural person (...) to customs authorities...

Comments by the secretariat: New text; Amendment 19, entry into force on 17 February 1999. For the sake of consistency, ~~it is~~ *the secretariat* ~~proposes~~ to change the words “customs authorities” into “competent authorities”.

(97) Annex 9, Part III, para. 2 (a): Provide the Contracting Parties...

Comments by the secretariat: New text, Amendment 31, entry into force on 10 October 2013. For the sake of clarification, ~~it is~~ *the secretariat* ~~proposes~~ to change the wording into “competent authorities” (~~see point 84~~).

(98) Annex 9, Part III, para. 2 (l): manage (...) and the customs authorities and inform the Contracting Parties and...

Comments by the secretariat: New text, Amendment 31, entry into force on 10 October 2013. As the control system for TIR Carnets manages data on the termination of TIR operations, which is a customs-specific task (see point 38), it is proposed to keep the wording unchanged. ***For the sake of clarification, the secretariat proposes to clarify that the information should be given to “the competent authorities of Contracting Parties”.***

(99) Annex 9, Part III, para. 4: All (...) or authority that provided it. Such information may, however, be disclosed without permission to competent authorities...

Comments by the secretariat: New text, Amendment 31, entry into force on 10 October 2013. As this refers to one single authority providing the information, as well as to the possibility of various authorities receiving information, it is proposed to keep the wording unchanged.

(100) Annex 10, second introductory para: On behalf of (...) transmitted by customs authorities and accessible by the associations and customs administrations (...). Contracting Parties shall provide...

(101) Annex 10, para. 1: customs authorities shall...

(102) Annex 10, para. 2: The MRF (...) addressed to customs authorities (...) Customs authorities shall reply...

(103) Annex 10, para. 3: Customs authorities...

(104) Annex 10, para. 4: An international organization shall give customs authorities...

Comments by the secretariat to points 100–104: New text, Amendment 27, entry into force on 12 August 2006. As the control system for TIR Carnets is managed by customs authorities, it is proposed to keep the wording unchanged.

## **B. Approved / authorized**

4. Throughout the Convention the terms ‘approved’ and ‘authorized’ are intermittently used to qualify the status of the guaranteeing association.

(1) Article 1 (q): The term “guaranteeing association” shall mean an association authorized by the customs authorities of a Contracting Party...

Comments by the secretariat: Amended wording; Amendment 30, entry into force on 13 September 2012, replacing “approved” by “authorized”.

(2) Article 3 (b): the transport operations must be guaranteed by associations approved...

(3) Article 6, para. 2: An association shall not be approved...

(4) Explanatory Note 0.6.2 to Article 6, para. 2: Under the provisions of this paragraph, the customs authorities of a country may approve more than one association...

Comments by the secretariat to points 2–4: Original wording.

(5) Article 42 ~~ter~~: The (...) provide authorized associations...

*Comment by the secretariat:* New text; Amendment 19, entry into force on 17 February 1999. Amended by Amendment 27, entry into force on 12 August 2006.

(6) Annex 9, Part I, title: Authorization for associations...

Comments by the secretariat: New text; Amendment 19, entry into force on 17 February 1999.

(7) Annex 9, Part I, para. 1: The conditions and requirements to be complied with by associations in order to be authorized...

Comments by the secretariat: New text; Amendment 19, entry into force on 17 February 1999.

Comments by the secretariat to points 1–7: for the sake of consistency ~~it is the secretariat~~ proposed to systematically replace “approved” by “authorized”.

## **C. Conditions and requirements / minimum conditions and requirements**

5. Throughout the text of the Convention the wording “conditions and requirements” and “minimum conditions and requirements” are used intermittently.

(1) Article 6, para. 1: Each Contracting Party (...) as long as minimum conditions and requirements laid down in Annex 9, Part I (...) be revoked if the minimum conditions and requirements....

Comments by the secretariat: Amended wording; Amendment 19, entry into force on 17 February 1999.

(2) Article 6, para. 2 bis: An international organization (...) fulfils the conditions and requirements laid down in Annex 9, Part III. (...) if these conditions and requirements are no longer fulfilled.

Comments by the secretariat: New text; Amendment 31, entry into force on 10 October 2013.

(3) Article 6, para. 4: Authorization (...) minimum conditions and requirements laid down in Annex 9, Part II of this Convention.

Comments by the secretariat: New text; Amendment 19, entry into force on 17 February 1999.

(4) Annex 8, Article 10 (g): maintain a central record (...) the minimum conditions and requirements laid down in Annex 9.

Comments by the secretariat: New text; Amendment 19, entry into force on 17 February 1999.

(5) Annex 9, Part I, subtitle: Conditions and requirements.

(6) Annex 9, Part I, para. 1: The conditions and requirements...

(7) Annex 9, Part I, para. 3 (iii): verify (...) of the minimum conditions and requirements...

(8) Annex 9, Part I, para. 5: The Contracting Party (...) with these conditions and requirements...

(9) Annex 9, Part I, para. 7: The conditions and requirements (...) additional conditions and requirements...

Comments by the secretariat to points 6–9: New text; Amendment 19, entry into force on 17 February 1999. Reshuffled by Amendment 29, entry into force on 1 January 2012.

(10) Annex 9, Part II, subtitle: Minimum conditions and requirements.

(11) Annex 9, Part II, para. 1: The minimum conditions and requirements...

(12) Annex 9, Part II, para. 1 (e) (iii): will (...) on the above minimum conditions and requirements.

(13) Annex 9, Part II, para. 2: Additional and more restrictive conditions and requirements...

(14) Annex 9, Part II, para. 3: Contracting Parties (...) of the minimum conditions and requirements set forth in paragraphs 1 and 2.

(15) Annex 9, Part II, para. 7: Authorization (...) under the minimum conditions and requirements...

Comments by the secretariat to points 10–15: New text; Amendment 19, entry into force on 17 February 1999.

(16) Annex 9, Part III, subtitle: Conditions and requirements.

(17) Annex 9, Part III, para. 1: The conditions and requirements...

(18) Annex 9, Part III, para. 5: The Administrative Committee (...) above conditions and requirements...

Comments by the secretariat to points 16–18: New text; Amendment 31, entry into force on 10 October 2013.

(19) Annex 10, first introductory para.: By virtue of (...) fulfil the minimum conditions and requirements as laid down in Annex 9, Part II of the Convention.

Comments by the secretariat: New text; Amendment 27, entry into force on 12 August 2006.

Comments by the secretariat on 1–19: For the sake of consistency, ~~it is the secretariat~~ proposes to systematically refer to “conditions and requirements” and delete “minimum” wherever it appears.

#### **D. Other possible editorial alignments**

6. Other possible terms which could benefit from alignments are the terms “Committee” versus “Administrative Committee” all through the text of the Convention or the intermittent use of “Approval Certificate and Certificate of Approval, particularly in Annex 3.

*6a. The terms “Administrative Committee” and “Committee” appear intermittently throughout the text of the Convention. For the sake of consistency, the secretariat proposes to replace “Committee” by “Administrative Committee in: Article 58 ter, Article 62, para. 3 and Annex 8, Articles 1 (i), (ii; twice), 1 bis, paras. 1, 2 and 3, Article 2, Article 3, Article 4, Article 5, Article 7 and Article 8.*

*6b. The terms “Certificate of Approval”, “Approval Certificate” and “Certificate” appear intermittently in the text of the Convention. For the sake of consistency, the secretariat proposes to replace “Approval Certificate” or “Certificate” by “Certificate of Approval” in: Annex 3, Articles 2 (four times), 3, 7 (twice), 8, 16, 17 (twice), 20 (twice), 21 and 22 and Annex 7, Part II, Articles 14 and 17.*

### **III. Considerations by the Working Party**

7. The Working Party is invited to consider the assessment by the secretariat of the various issues, agree which ones to adopt and decide how to further pursue the efforts for editorial alignment of the text of the provisions of the TIR Convention.

8. *In summary, the secretariat proposes to adopt the following amendments:*

*Part (a): Nos. 3, 5, 9, 13, 15, 17–21, 25, 40, 76, 80, 90, 96 and 98;*

*Part (b): Nos. 2–4;*

*Part (c): 1, 3, 4, 7, 10–12, 14, 15 and 19;*

*Part (d): 6(a) and 6 (b).*

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