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affecting Transport

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agenda item 7 (b) (i))

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

Revision of the Convention

Phase II of the TIR revision process

**Comments on the report of the Ad hoc Group of Experts on Phase II
of the TIR revision process at its fourth session (21-24 June 1999)**

Transmitted by the Russian Federation and the International Road Transport Union (IRU)

Note: The comments contained below refer only to the final part (Addendum 7) of the draft report of the Ad hoc Group of Experts at its fourth session which was not adopted properly due to lack of time (TRANS/WP.30/1999/7)

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A. COMMENTS BY THE RUSSIAN FEDERATION

1. The wording of paragraph 40 of the draft report of the Ad hoc Group of Experts at its fourth session (TRANS/WP.30/1999/7) should be changed to read as follows:

“40. Other experts were of the view that transmission of TIR Carnets to a person which is not authorized for the TIR regime or has been excluded from it in accordance with article 38 of the Convention should not be allowed. A procedure of transmission of TIR Carnets to other persons, even authorized for the TIR regime, should be strictly determined and include issues of responsibility in case of infringements of the TIR regime.”

B. COMMENTS BY THE IRU

2. Paragraphs 39, 40 and 42 of the draft report of the Ad hoc Group of Experts at its fourth session (TRANS/WP.30/1999/7) seem not to reflect properly the discussion on the definition of the TIR Carnet holder and should contain at least the following ideas:

- the proposal of the European Commission (para. 39) was to define the TIR Carnet holder, not his responsibilities;

- there is no need for interpreting of the TIR Carnet holder's responsibilities in the Convention;

- the TIR Carnet is opened for the load compartment and for the holder. There is no reference whatsoever to the tractor unit, its owner or possessor;

- the holder is the master of a TIR operation which is finally responsible for the presentation of the goods, the TIR Carnet and the truck to the Customs offices of departure, destination and en route;

- all Contracting Parties recognized that sometimes there is a need to pass the TIR Carnet to another person, subject to certain conditions.

3. Paragraph 41 of the draft report should be deleted since the experts had no opportunity to comment on that issue due to lack of time.
