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ECONOMIC COMMISSION FOR EUROPE

Administrative Committee for the TIR Convention, 1975

(Thirty-first session, 25 and 26 October 2001,
agenda item 7 (a))

OTHER PROPOSALS FOR AMENDMENTS TO THE CONVENTION

Draft amendment to Article 26

Note by the secretariat

A. BACKGROUND

1. On the basis of document TRANS/WP.30/2000/15 transmitted by the European Community and containing proposals for amendment and interpretation of Article 26 of the Convention, the UNECE Working Party on Customs Questions affecting Transport (WP.30), at its ninety-seventh session (20-23 February 2001), considered procedures to be applied in case of suspension of a TIR operation.
2. The Working Party approved, in principle, the proposals contained in document TRANS/WP.30/2000/15. However, it noted that some of the issues, such as, for instance the definition of a country in which a TIR operation could be established, might need to be elaborated further. It was also felt that a comment to the Convention might be sufficient to clarify the issue.

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3. The secretariat was requested to prepare a document containing the amendment proposals, as well as related comments for transmission to the Administrative Committee at its autumn session (TRANS/WP.30/194, paras. 56-58).

B. PROPOSALS BY THE SECRETARIAT

4. Taking into account the above considerations of the Working Party and the new definition of a "TIR transport" adopted under Phase II of the TIR revision process (not yet in force), the secretariat proposes the following amendments to the Convention:

Article 26, paragraph 1

Add a new sentence at the end of the paragraph to read as follows:

"Where the Customs seals have not remained intact, the Customs authorities may accept the TIR Carnet for resumption of the TIR transport under the provisions of Article 25."

Add a new comment to Article 26 to read as follows:

"Suspension of a TIR transport in a Contracting Party where no approved guaranteeing associations exists

Article 26 also applies to Contracting Parties where no approved guaranteeing associations exist and where, thus, the provisions of the Convention are not applicable, in accordance with Article 3, paragraph (b). A list of such Contracting Parties is established by the TIR Administrative Committee and TIR Executive Board (TIRExB) on the basis of documentation deposited with the TIRExB by Contracting Parties pursuant to the provisions of Annex 9, Part I to the Convention."
