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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting Transport
(One-hundred-and-ninth session, 31 January - 4 February 2005,
agenda item 6 (b) (i))

Administrative Committee for the TIR Convention
(Thirty-eighth session, 3 and 4 February 2005,
agenda item 9 (b))

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

Revision of the Convention

**Implementation of Phases I and II of the TIR revision process and examples of
best practices**

Note by the secretariat

A. BACKGROUND

1. At its one-hundred-and-first session, the Working Party requested the secretariat to monitor, as far as possible, the implementation of the amendments to the Convention at national level and to report back to the Working Party at its forthcoming sessions (TRANS/WP.30/202, para. 31).

* The present documentation has been submitted after the official documentation deadline by the Transport Division due to resource constraints.

2. On 24 July 2002, the secretariat sent a letter to the TIR Customs focal points of all Contracting Parties with the request to provide details concerning the adoption of Phase II amendments (date of adoption, publication details and any other, additional information), which had entered into force on 12 May 2002.

3. At its one-hundred-and-fifth, one-hundred-and-sixth and one-hundred-and-seventh sessions, the Working Party recalled its request to Contracting Parties that, with a view to providing the necessary transparency concerning the state of implementation of the Convention and the amendments thereto, in particular for national guaranteeing associations, Contracting Parties were invited to inform the secretariat, in writing, about the status of implementation at national level. The Contracting Parties should include, if possible, information concerning the number of the publication with which the implementation had been published (name and number of the Official Journal or internal instruction). This issue had also been stressed as being of importance in connection with the discussion on TIR in the Bureau of the Inland Transport Committee (TRANS/WP.30/210, para. 21, TRANS/WP.30/212, para. 19, TRANS/WP.30/214, para. 32).

4. At its one-hundred-and-eighth session, the Working Party took note of document TRANS/WP.30/2004/28, prepared by the secretariat, containing an overview of the status of implementation in Contracting Parties of Phase II of the TIR revision. A number of delegations provided additional information orally (TRANS/WP.30/216, para. 26). In order to make progress on the issue, the secretariat reproduces below an updated overview of the reactions received so far, for information and, possibly, follow-up by the Contracting Parties.

B. STATE OF PLAY IMPLEMENTATION PHASE II OF THE TIR REVISION PROCESS

5. The secretariat has received the following information with regard to the implementation of Phase II of the TIR revision process from the following countries:

Hungary: On 21 June 2002, the Hungarian Customs authorities informed the secretariat that the Phase II revision package had not yet been published in Hungary, thus making application at the national level not yet possible¹.

¹ In its letter of 24 July 2002, the secretariat pointed out to all Contracting Parties that it had been informed by the Legal Office of the United Nations in New York that, even though not yet all legal and procedural requirements at the national level may have been fulfilled, Contracting Parties are bound at the international level by the provisions of Phase II of the TIR revision process, which entered into force on 12 May 2002.

Sweden: On 2 August 2002, the Swedish Customs authorities informed the secretariat that the amendments of Phase II had entered into force on 12 May 2002 and had been published on 3 June 2002 in the national Customs legislation.

Latvia: on 7 August 2002, the Latvian Customs Board informed the secretariat that an informative note (No. 16.11.2/12447) on the entry into force of Phase II had been sent to the Latvian Customs offices.

Czech Republic: On 30 August 2002, the Czech Customs authorities informed the secretariat that publication of Phases I and II was under preparation.

Poland: On 16 September 2002, the Polish Customs Department informed the secretariat that Phase II had entered into force at the national level and that the relevant texts had been introduced into national Customs legislation by means of the records of the session of the Council of Ministers in which the adoption had been formally approved. Thus, no publication in the national legal journal was required.

Estonia: On 13 August 2002, the Estonian Customs Board informed the secretariat that Phase II had entered into force at the national level.

Lithuania: On 11 December 2002, the Lithuanian Customs Department informed the secretariat of the official publication of the Lithuanian translation of the Phase II amendments.

Italy: On 6 November 2003, the Italian Customs authorities informed the secretariat that Phase II of the TIR revision process had entered into force and that the text had been published in the Official Journal (No. 222) on 24 September 2003.

Bulgaria: On 11 February 2004, the Bulgarian Customs authorities informed the secretariat that Phases I and II of the TIR revision had entered into force and had been published in the Official Journal No. 7 of 27 January 2004, as part of a complete publication of the text of the TIR Convention as well as all amendments to it.

Romania: On 5 May 2004, the Romanian Customs Authority informed the secretariat that amendments 20, 21 and 22 to the TIR Convention had entered into force on 26 January 2004 and had been published in the Official Journal (No. 332) on 16 April 2004.

France: On 2 July 2004, the French Customs authorities informed the secretariat that the amendments of Phase I had been published in the Official Customs Journal on 4 May 1999 (No. 6342) and those of Phase II on 4 June 2002 (No. 6552).

Germany: On 12 October 2004, the German Customs authorities informed the secretariat that the amendments of Phase I had entered into force on 17 February 1999 and had been published in the Official Journal of 19 March 1999. The amendments of Phase II had entered into force on 12 May 2002 and had been published in the Official Journal of 31 January 2003.

Norway: On 27 October 2004 the Norwegian Customs authorities informed the secretariat that Phase I of the TIR revision was implemented in the national Customs legislation on 17 February 1999. The amendments were published in a circular letter (Ref. 99/1235) to the Regional customs offices in Norway on 6 April 1999. Phase II of the TIR revision had been adopted and entered into force on 12 August 2004. The amendments had been announced in writing to all regional Customs offices in Norway on 16 April 2002 (Ref. 2002/1629).

Finland: On 1 November 2004 the Finnish Customs authorities informed the secretariat that Phase I of the TIR revision had entered into force on 17 February 1999 and that the text had been published in the Official Journal of 5 February 1999. Phase II had entered into force on 12 May 2002 and had been published in the Official Journal of 3 May 2002.

C. FURTHER CONSIDERATIONS BY THE WORKING PARTY

6. On the basis of the above information, Contracting Parties may wish to provide the secretariat with information on the implementation of Phase II of the TIR revision process at the national level and/or supplement the information given at an earlier stage.
