



**Economic and Social
Council**

Distr.
GENERAL

TRANS/WP.30/AC.2/2004/6
1 December 2003

Original: ENGLISH

ECONOMIC COMMISSION FOR EUROPE

Administrative Committee for the
TIR Convention, 1975

(Thirty-sixth session, 5-6 February 2004,
agenda item 9 (a))

Other proposals for amendments to the Convention

Draft amendments on a control system for TIR Carnets

Note by the secretariat

A. INTRODUCTION

1. At its one-hundred-and-third session, the Working Party considered the amendment proposals transmitted by Latvia concerning the introduction in the Convention of a control system for TIR Carnets (TRANS/WP.30/2003/5 - TRANS/WP.30/AC.2/2003/5).

2. The Working Party, in general, considered that the proposal would contribute to improving the exchange of information between Customs authorities and guaranteeing associations and international organizations issuing TIR Carnets and would strengthen the security of the TIR system. The Working Party considered that the Convention should only make a generic reference to the international organization (and its control system) authorized to print and guarantee TIR Carnets.

The Working Party invited Contracting Parties to submit their amendment proposals to the secretariat as soon as possible, with the aim that the secretariat could prepare an amended proposal for the forthcoming session of the Working Party (TRANS/WP.30/206, para. 36).

3. At its one-hundred-and-fourth session, the Working Party continued its discussion on the Latvian proposal. The Working Party considered proposals for further improvement of the text of the amendment proposal, submitted by Estonia and the European Community, as reflected in the secretariat's document TRANS/WP.30/2003/8.

4. The Working Party endorsed the assessment, made by the secretariat, regarding these improvements and requested it to prepare a document for discussion and possible adoption at the thirty-fifth session of the TIR Administrative Committee in September 2003, based on the Latvian proposal, and taking into account the textual improvements and addressing the issue of the introduction of a control system in a generic way, without making specific reference to the international organization and its control system contained in the above-mentioned amendment proposals (TRANS/WP.30/208, paras. 33-34).

5. At its thirty-fifth session, the Administrative Committee considered document TRANS/WP.30/AC.2/2003/10, prepared by the secretariat at the request of the Working Party, containing draft amendments on the introduction of a control system for TIR Carnets.

6. The Committee was informed by the European Community that it did not yet have a common position on the proposal.

7. The Committee was informed by the Russian Federation that it supported the proposal, but drew the attention of the Administrative Committee to the possible contradictions between the use of the term "termination of a TIR operation" and the objectives which are set out for the TIR Control system of TIR Carnets in the draft Annex 10.

8. The Administrative Committee decided to postpone further considerations on this issue to its thirty-sixth session, but decided to lift all square brackets contained in the proposal (TRANS/WP.30/AC.2/71, paras. 61-64).

9. In line with the request of the Administrative Committee, the underlying document contains the full text of the draft proposal on the introduction of a control system for TIR Carnets without brackets.

B. PROPOSAL

10. Introduction of a new Article 42 ter to read as follows:

“Article 42 ter

The competent authorities of the Contracting Parties shall, as appropriate, provide authorized associations with information that they require to fulfil the undertaking given in accordance with Annex 9, Part I, Article 1 (f) (iii).

Annex 10 sets out the information to be provided in particular cases.”

11. Amendment of the heading and text of Article 60, paragraph 1, to take account of a new Annex 10:

“Article 60

Special procedure for amending Annexes 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10

1. Any proposed amendment to Annexes 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 considered in accordance with paragraphs 1 and 2 of Article 59 shall come into force on a date to be determined by the Administrative Committee at the time of its adoption, unless by a prior date determined by the Administrative Committee at the same time, one-fifth or five of the States which are Contracting Parties, whichever number is less, notify the Secretary-General of the United Nations of their objection to the amendment. Determination by the Administrative Committee of dates referred to in this paragraph shall be by a two-thirds majority of those present and voting.”

12. Introduction of a new Annex 10 to read as follows:

“Annex 10

INFORMATION TO BE PROVIDED BY CONTRACTING PARTIES TO AUTHORIZED ASSOCIATIONS AND AN INTERNATIONAL ORGANIZATION UNDER ARTICLE 42 TER

By virtue of Article 6, paragraph 1 and Annex 9, Part I, paragraph 1 (f) (iii) of this Convention, authorized associations are required to give an undertaking that they shall verify continuously that persons authorized to have access to the TIR procedure fulfil the minimum conditions and requirements as laid down in Annex 9, Part II of the Convention.

On behalf of its member associations and in fulfilment of its responsibilities as an international organization authorized under Article 6, paragraph 2 bis, an international organization shall establish a control system for TIR Carnets to hold data, transmitted by Customs authorities and accessible by the associations and Customs administrations, about the termination of TIR operations at offices of destination. To enable the associations to fulfil their undertaking effectively, Contracting Parties shall provide information to the control system in accordance with the following procedure:

- (1) Customs authorities shall transmit to an international organization or to the national guaranteeing associations, if possible via central or regional offices, by the fastest available means of communication (fax, electronic mail, etc.) and if possible on a daily basis, at least the following information in a standard format in respect of all TIR Carnets presented at Customs offices of destination, as defined in Article 1 (l) of the Convention:
 - (a) TIR Carnet reference number;
 - (b) Date and record number in the Customs ledger;
 - (c) Name or number of Customs office of destination;
 - (d) Date and reference number indicated in the certificate of termination of the TIR operation (boxes 24-28 of voucher No. 2) at the Customs office of destination (if different from (b));
 - (e) Partial or final termination;
 - (f) Termination of the TIR operation certified with or without reservation at the Customs office of destination without prejudice to Articles 8 and 11 of the Convention;
 - (g) Other information or documents (optional);
 - (h) Page number.

- (2) The annexed Model Reconciliation Form (MRF) may be addressed to Customs authorities by national associations or by an international organization:
 - (a) in case of discrepancies between the data transmitted and those on the counterfoils in the used TIR Carnet; or
 - (b) in case no data have been transmitted whereas the used TIR Carnet has been returned to the national association.Customs authorities shall reply to the reconciliation requests if possible by returning the duly filled-in MRF as soon as possible.

- (3) Customs authorities and national guaranteeing associations shall conclude an agreement, in line with national law, covering the above data exchange.

- (4) An international organization shall give Customs authorities access to the database of terminated TIR Carnets and to the database of invalidated TIR Carnets.

C. FURTHER CONSIDERATIONS

13. The Administrative Committee may wish to continue its discussion on the issue and, if possible, adopt the draft proposal.

14. In view of the fact that the control system for TIR Carnets, introduced in new Annex 10 to the Convention, requires the adoption of a new provision to the body of the Convention (new Article 42 ter) and the amendment of another (Article 60), the whole amendment package will have to be adopted in accordance with the provisions of Article 59 of the Convention. This means that the proposal will have to be adopted by the Administrative Committee by a two-thirds majority of its members present and voting, after which the amendment will be communicated by the Secretary-General of the United Nations to the Contracting Parties for their acceptance. The amendment will then come into force with respect to all Contracting Parties three months after the expiry of a period of twelve months following the date of communication to the proposed amendment during which period no objection to the proposed amendment has been communicated to the Secretary-General of the United Nations by a State which is a Contracting Party.

Annex

Model Reconciliation Form (MRF)							
<i>To be filled-in by the initiator of the request for reconciliation</i>							
Destination:							
Regional Customs office (optional):				Customs office of destination:			
Name:				Name:			
Received on:				Received on:			
Date:				Date:			
Stamp				Stamp			
Data to be confirmed							
Data source:		TIR Carnet			Control system data		
<u>TIR Carnet Reference Number</u>	Name or number of Customs office of destination*	Reference number indicated in the certificate of termination of the TIR operation (boxes 24-28 of voucher No. 2) at the Customs office of destination*	Date indicated in the certificate of termination of the TIR operation at the Customs office of destination*	Page number	Partial / final termination	Termination of the TIR operation certified with or without reservation at the Customs office of destination	Number of packages (optional)
Attachments:		Copy of TIR Carnet counterfoils			Other: _____		
Response from Customs office of destination							
Confirmation		Correction			No reference found		
		(please insert the corrections below)			on the termination of the TIR operation		
<u>TIR Carnet Reference Number</u>	Name or number of Customs office of destination*	Reference number indicated in the certificate of termination of the TIR operation (boxes 24-28 of voucher No. 2) at the Customs office of destination*	Date indicated in the certificate of termination of the TIR operation at the Customs office of destination*	Page number	Partial / final termination	Termination of the TIR operation certified with or without reservation at the Customs office of destination	Number of packages (optional)
Comments:							
Date:		Stamp and signature of Customs office of destination:					
<i>Central Customs office (optional)</i>							
Comments:							
Date:		Stamp and/or signature					

* Please note that these data refer to the Customs office of Destination where the TIR movement terminated.