

Administrative Committee for the TIR Convention, 1975 10 September 2010

Fiftieth session

ENGLISH ONLY

Geneva, 30 September 2010

Item 7 (b) and 8 of the provisional agenda

Application of the Convention

Comments adopted by the TIR Executive Board (TIRExB)

Note by the TIR secretariat

1. At its forty-second session, the TIRExB adopted, on the one hand, a comment to Annex 1 of the Convention, together with the text of an example of best practice on the use of the TIR Carnet in case of refusal of a TIR transport to enter the territory of a country. The TIRExB requested the secretariat to submit the proposals for consideration and, possibly, endorsement to the TIR Administrative Committee (ECE/TRANS/WP.30/AC.2/2010/9, paragraph 9).
2. In line with above request, the secretariat reproduces in Annex the adopted comment and example of best practice, for consideration by the Committee.

INTRODUCTION OF A NEW COMMENT TO ANNEX 1 OF THE CONVENTION

Introduce a new comment to Annex 1 of the Convention to read as follows:

Use of the TIR Carnet in case goods carried under the TIR procedure are refused to enter the territory of a Contracting Party

In case, in exceptional circumstances, competent authorities take the decision not to allow goods under the TIR procedure to enter the territory of their country, Customs authorities are strongly recommended to clearly indicate in Box “For official use” of all remaining Vouchers No. 1/2 the precise reason for this decision, including a clear reference to the provision(s) of national or international law on which this decision was based. In addition, Customs authorities should indicate in Box 5 of the concerned counterfoils No. 1 and 2: “Access refused”.

BEST PRACTICE IN CASE OF REFUSAL OF A TIR CARNET

Introduce the following text as part of Chapter 5 of the TIR Handbook.

“Example of best practices on the use of the TIR Carnet

It may occur that for reasons not related to the application of the provisions of the TIR Convention, the competent authorities of a country decide not to allow a TIR transport to enter the territory of their country. In case this occurs, Customs authorities of the Customs office of entry en route are strongly recommended to apply the following procedure:

- (a) Fill-in, stamp and tear off Voucher No.1 and 2, certifying the start and termination of the TIR operation for their country;
- (b) Indicate in Box “For official use” of all remaining Vouchers No. 1/2, the precise reason for the decision to refuse entry to the TIR transport. A reference to the decision leading to the refusal should be indicated as well as to the provisions of national or international law on which this decision is based;
- (c) Indicate in Box 5 of the concerned counterfoils No. 1 and 2 “Access refused”.
- (d) Upon return at the Customs office of exit en route, Customs authorities should endorse the changes made to Box 6 (Country/countries of destination) in the remaining Vouchers No. 1/2 and proceed to open the TIR Carnet for a TIR operation in the territory of their country.

TIR Carnet holders are advised that they can use the remaining pages of the TIR Carnet to pursue the TIR transport. In case the number of remaining pages is not enough to carry out the total TIR transport, a second TIR Carnet can be used. In line with the text of the relevant comment to Article 28 of the Convention, the first part of the TIR transport has to be ended in accordance with Article 27 and 28 of the Convention and a new TIR Carnet has to be accepted by the same Customs office having certified the termination of the previous TIR operation and used for the remainder of the TIR transport. Proper inscription shall be made in both TIR Carnets to reflect this fact.”
