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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions
affecting Transport

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agenda item 5 (b) (ii))

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

(TIR CONVENTION 1975)

Application of the Convention

Preparation of Phase III of the TIR revision process

Amendment Proposals to the Convention

Transmitted by the European Community (EC)

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1. Since the European Community was established in 1957 (Treaty of Rome), it has come a long way along the road towards the economic integration of the European countries. It currently has 15 members, but its membership may be expanded to 27 or more in the near future.
2. Where external representation within the various international organizations is concerned, the Community has also come a long way in the acceptance of its specific competences. While much still remains to be done, the Community today emerges in the international context with exclusive competence in specific areas, particularly in customs matters. The consequence has been its inclusion among the bodies to which the international multilateral customs instruments are addressed. The European Community is thus a contracting party to all the major conventions and other international customs instruments in which, in a number of cases, it has the right to vote.
3. Strategic issues and general trends concerning the future of the international transit of goods, particularly under the TIR system, are a primordial concern of the European Community. In particular, the revision of the TIR Convention is of fundamental importance since efforts are being made to ensure that the solutions found in the context of the Convention on a Common Transit Procedure are adopted in it.
4. The full participation of the European Community in the management body of the TIR Convention (the Administrative Committee) acquires particular significance in that the Community accounts for a large share of the international transit of goods under the TIR Convention. As the Convention stands, the Community has the same rights and the same obligations as other Contracting Parties with the exception of the right to vote.
5. Insofar as the subject matter of the TIR Convention comes under Community jurisdiction, it is important that the European Community should be able to express itself both directly and within the decision-making process set out in the TIR Convention.
6. The acquisition of the right to vote would therefore improve the present situation. It would strengthen the role of the Administrative Committee as an international forum dealing with questions of customs transit and would contribute to improving the Committee's efficiency. It would also enable the Community to guarantee the place due to it among the Contracting Parties to the TIR Convention.

TIR Convention

(Draft proposal of amendment)

Article 52.3 of the TIR Convention is amended as follows:

- “3. (a) Any regional economic integration organization constituted by, and composed of, States which has competence to adopt its own regulations that are binding on those States in respect of matters governed by this Convention, and has competence to decide, in accordance with its internal procedures, to sign, ratify or accede to this Convention, may become Contracting Parties to this Convention in accordance with the provisions of paragraphs 1 and 2 of this Article.
- (b) A regional economic integration organization which is a Contracting Party to this Convention shall, for the matters within its competence, exercise in its own name the rights, and fulfil the responsibilities, which the Convention confers on the Members of such an organization which are Contracting Parties to this Convention. In such a case, the Members of such an organization shall not be entitled to individually exercise these rights, including the right to vote.”

Article 5 of Annex 8 of the TIR Convention is amended as follows:

“Article 5

1. Proposals shall be put to the vote. Each State which is a Contracting Party represented at the session shall have one vote. Proposals other than amendments to this Convention shall be adopted by the Committee by a majority of those present and voting. Amendments to this Convention and the decisions referred to in Articles 59 and 60 of this Convention shall be adopted by a two-thirds majority of those present and voting.
2. Where Article 52, paragraph 3 of this Convention applies, the regional economic integration organizations which are Contracting Parties shall have, in case of voting, only a number of votes equal to the total votes allotted to their Members which are Contracting Parties.”
