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ECONOMIC COMMISSION FOR EUROPE

INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting Transport

(One-hundred-and-ninth session, 31 January - 4 February 2005,
agenda item 7 (b) (iii))

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

Revision of the Convention

Amendment proposals for the Convention

Note by the secretariat

A. BACKGROUND

1. The Working Party, at its one-hundred-and-eighth session, considered document TRANS/WP.30/2004/33, prepared by the secretariat, containing three alternative proposals or adding a new Explanatory Note to Article 6.2 bis. The Working Party considered that it would be premature to adopt the Explanatory Note to Article 6.2 bis before it had been considered in conjunction with the other issues linked to the revision and decided to postpone its discussion of the issue and also decided to ask the Ad hoc Expert Group to take this issue into consideration at its future session (see TRANS/WP.30/216, paras. 54 and 55).

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

2. At the second session of the Ad hoc Expert Group, the group recommended that the Working Party, at its present session, should consider a revised proposal in relation to Article 6.2 bis of the Convention. Within the context of the discussion, the Ad hoc Expert Group also recommended the consideration of a comment to Annex 8, Article 10 (b).

3. In the underlying document, the secretariat reproduces excerpts from document TRANS/WP.30/2004/38, containing the report of the second session of the Ad hoc Expert Group, relating to the above-mentioned proposals for consideration by the Working Party.

B. ARTICLE 6.2 BIS, PROPOSALS BY THE CHAIRMAN OF WP.30, THE EUROPEAN COMMUNITY AND THE RUSSIAN FEDERATION

“The Ad hoc Expert Group decided to recommend to the Working Party an alternative text for an Explanatory Note, possibly a Comment, to Article 6.2 bis, as follows:

The authorization granted in accordance with Article 6.2 bis shall be reflected in a written agreement between the UNECE and the International Organization. [Without prejudice to the relevant provisions of the Convention] the agreement shall stipulate that the International Organization [shall fulfil the relevant provisions of the Convention,] shall respect the competences of the Contracting Parties to the Convention and shall comply with the decisions of the Administrative Committee and the requests of the TIR Executive Board. By signing the agreement the International Organization confirms that it accepts the responsibilities imposed by the authorization. The Agreement shall also apply to the responsibilities of the International Organization set out in Annex 8, Article 10 (b), in case the centralized printing and distribution of TIR Carnets is performed by the above-mentioned international organization. The Agreement shall be adopted by the Administrative Committee.

The Ad hoc Expert Group recommended to the Working Party that the text be adopted at its one-hundred-and-ninth session as a comment that would have immediate effect. The Ad hoc Expert Group further recommended that, once considerations concerning other amendment proposals had come to an end, it should be reconsidered if further amendments to Article 6.2 bis would be necessary, including, possibly, changing the Comment to an Explanatory Note.

The Russian Federation was of the view that the underlying text should be considered as an Explanatory Note to Article 6.2 bis, rather than a comment. The Russian delegation also felt that, in the second sentence, the wording from the second square brackets should be kept.

In addition, the Ad hoc Expert Group decided to recommend to the Working Party that an Explanatory Note/Comment be added to Annex 8, Article 10 (b), as follows:

The Agreement mentioned in the [Explanatory Note/Comment] to Article 6.2 bis shall also apply to the responsibilities of the International Organization set out in (b) of this article, in case the centralized printing and distribution of TIR Carnets is performed by the above mentioned international organization.”
