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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions

affecting Transport

(One-hundred-and-fourth session, 17-20 June 2003,
agenda item 7 (b) (ii))

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

Revision of the Convention

Preparation of Phase III of the TIR revision process

Best practices concerning documentation required in the course of a TIR transport

**Responsibility of the holder of a TIR Carnet for information provided
in additional documents**

Note transmitted by the International Road Transport Union (IRU)

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

1. On the occasion of its one-hundred-and-third session, the Working Party requested the International Road Transport Union (IRU) to draw up a document on the responsibility of TIR Carnet Holders for information provided in additional documents.

2. The fact that carriers holding TIR Carnets are the partners of international trade, in contact both with exporters, importers, intermediaries and agents, and that the goods are under their control during transport, is not under dispute.

In this capacity, carriers hold or may hold or have access to certain trade documents (transport documents, invoices, packing lists, etc....) or to documents of a different order (sanitary documents, certificates of origin, etc....).

These documents and their content may obviously be of interest to the Authorities, and particularly to Customs Authorities.

However, the carrier, although he is the holder of these documents, cannot be held responsible for the quality or truthfulness of their content.

Indeed, this principle is acknowledged by the CMR Convention, in particular in its article 11.2:

Art. 11.2 "The carrier shall not be under any duty to enquire into either the accuracy or the adequacy of such documents and information."

3. In light of this principle, the IRU suggests adding the following sentence to the proposal drawn up by the secretariat (TRANS/WP.30/2003/3):

"However, the carrier shall not be penalized or sanctioned only by reason of the inaccuracy or inadequacy of the information provided in the above-mentioned documents as long as the TIR operation is a regular one."
