

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

Amendment proposals for the Convention

Note by the secretariat

A. BACKGROUND

1. The Working Party, at its 122nd session, endorsed in principle Informal document No. 5 (2009), containing suggestions by the secretariat for improvement of the text of the amendment proposals to Annex 9, part I (ECE/TRANS/WP.30/244, para. 32).
2. On the basis of document ECE/TRANS/WP.30/2009/5, the Working Party continued its consideration of the outstanding amendment proposals and endorsed in principle the proposals by EC regarding Annex 9, a new part III, subject to the deletion of paragraphs 2 (xiv) and (xv) and few other modifications. The Working Party also discussed how the criterion of sound financial standing of the international guaranteeing system, as set out in para. 1 (a) of the above document, could be verified. It was suggested that audits by an independent external auditor and/or by the United Nations Office of Internal Oversight Services (OIOS) or the United Nations Board of Auditors (BOA) be used for that purpose. The secretariat was requested to consult with the competent United Nations services and prepare proposals for consideration at the next session. The Working Party also invited delegations to submit to the secretariat not later than 15 July 2009 further comments or proposals to document ECE/TRANS/WP.30/2009/5.
3. The secretariat has prepared Informal document WP.30 No. 6 (2009) for consideration by the Working Party, containing the already endorsed text of Annex 9.

* The present document replaces document ECE/TRANS/WP.30/2009/9.

Annex 9

Part I

AUTHORIZATION FOR ASSOCIATIONS TO ISSUE TIR CARNETS AND TO ACT AS
GUARANTOR

Conditions and requirements

1. The conditions and requirements to be complied with by associations in order to be authorized by Contracting Parties to issue TIR Carnets and to act as guarantor in accordance with Article 6 of the Convention are:
 - (a) Proven existence for at least one year as an association established in the Contracting Party where the authorization is issued.
 - (b) Proof of sound financial standing and organizational capabilities enabling the association to fulfil its obligations under the Convention.
 - (c) Absence of serious or repeated offences against Customs or tax legislation.
 - (d) Establishment of a written agreement or any other legal instrument between the association and the competent authorities of the Contracting Party in which it is established including the acceptance by the association of its duties as set out in paragraph 3 of this Article.
2. A certified copy of the written agreement or any other legal instrument referred to under paragraph 1 (d) together, if necessary, with a certified translation into English, French or Russian, shall be deposited with the TIR Executive Board. Any changes shall be immediately brought to the attention of the TIR Executive Board.
3. The duties of the association are to:
 - (i) comply with the obligations laid down in Article 8 of the Convention;
 - (ii) accept the maximum sum per TIR Carnet determined by the Contracting Party which may be claimed from the association in accordance with Article 8, paragraph 3 of the Convention;

- (iii) verify continuously and, in particular, before requesting authorization for access of persons to the TIR procedure, the fulfilment of the minimum conditions and requirements as laid down in Part II of this Annex;
- (iv) provide its guarantee for all liabilities incurred in the country in which it is established in connection with operations under cover of TIR Carnets issued by itself and by foreign associations affiliated to the same international organization as that to which it is itself affiliated;
- (v) cover its liabilities to the satisfaction of the competent authorities of the Contracting Party in which it is established with an insurance company, pool of insurers or financial institution. The insurance or financial guarantee contract(s) shall cover the totality of its liabilities in connection with operations under cover of TIR Carnets issued by itself and by foreign associations affiliated to the same international organization as that to which it is itself affiliated.

The time to give notice for the termination of the insurance or financial guarantee contract(s) shall be not less than the time to give notice for the termination of the written agreement or any other legal instrument as referred to in paragraph 1 (d). A certified copy of the insurance or financial contract(s) as well as all subsequent modifications thereto shall be deposited with the TIR Executive Board, including a certified translation, if necessary, into English, French or Russian.

- (vi) provide the TIR Executive Board, **upon request**, with the price of each type of TIR Carnets it issues¹;
- (vii) allow the competent authorities to verify all records and accounts kept relating to the administration of the TIR procedure;
- (viii) accept a procedure for settling efficiently disputes arising from the improper or fraudulent use of TIR Carnets, whenever possible without recourse to courts;
- (ix) comply strictly with the decisions of the competent authorities of the Contracting Party in which it is established concerning the revocation of the authorization or the exclusion or

¹ The secretariat proposes to slightly amend the text of subparagraph (vi).

withdrawal of persons in line with Article 6 and Article 38 of the Convention and Part II of this annex;

(x) agree to implement faithfully all decisions adopted by the Administrative Committee and the TIR Executive Board in as much as the competent authorities of the Contracting Party in which the association is established have accepted them.

4. When a guaranteeing association is asked, in accordance with the procedure set out in Article 11, to pay the sums referred to in Article 8, paragraphs 1 and 2, it shall, in accordance with the written agreement referred to in the Explanatory Note 0.6.2**bis**-1 to Article 6, paragraph 2**bis**, inform the international organization of the reception of the claim.

5. The Contracting Party in which the association is established shall revoke the authorization to issue TIR Carnets and to act as guarantor in case of non-compliance with these conditions and requirements. Should a Contracting Party decide to revoke the authorization, the decision shall become effective at the earliest three (3) months after the date of revocation.

6. The authorization of an association under the terms set out above shall be without prejudice to that association's responsibilities and liabilities under the Convention.

7. The conditions and requirements laid down above are without prejudice to additional conditions and requirements Contracting Parties may wish to prescribe.
