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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting Transport

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

Application of the Convention

Re-introduction of the guarantee for sensitive and other excluded goods

**Proposals by the IRU presented at a joint meeting of the Customs and guaranteeing
associations of the Common transit countries and the IRU on 28 November 2000**

Note by the secretariat

Note: The text of this document reproduced below has been prepared for the eighth session of the TIR Executive Board (TIRExB). It has been decided to transmit this document also to the present session of the Working Party for consideration.

1. About 10 categories of sensitive goods have been excluded from the TIR regime in the European Community since 1 April 1996, following the partial denunciation of the TIR guarantee by the guaranteeing associations of Belgium, Germany and Italy. The UN/ECE Working Party on Customs Questions affecting Transport (WP.30) has repeatedly expressed its deep concern about such a decision which is not in line with the TIR Convention and has urged all parties involved to bring about the re-establishment of the guarantee coverage as soon as possible. For the time being, the main obstacle for that seems to be the unreadiness of the international insurers to assess the risks involved and to provide for appropriate insurance cover for sensitive goods.

2. At the above meeting, the IRU presented to the Customs authorities a comprehensive package of measures aiming at the re-introduction of the TIR guarantee for sensitive goods in the Community. From the point of view of the IRU, in order to provide for a proper risk management scheme for the transport of sensitive goods under the TIR procedure, the above package should include the following basic requirements:

- Traceability of sensitive goods:

- sensitive goods have to be transported under cover of TIR Carnets with certain numbers and marked with a stamp HVG (High Value Goods);
- all phases of a “sensitive” TIR Carnet life cycle have to be reported to the IRU.

- Special rules and procedures:

- only selected associations may issue “sensitive” TIR Carnets;
- only selected transport operators may obtain “sensitive” TIR Carnets from the above associations;
- the “sensitive” TIR Carnets will be more expensive than the “normal” TIR Carnets.

- Customs support:

- Customs authorities should notify the IRU whenever sensitive goods are transported under a “normal” TIR Carnet;
- Customs authorities have to report immediately about the termination of “sensitive” TIR operations to the SAFETIR system and should also observe the reconciliation procedure as provided for in the Recommendation of the TIR Administrative Committee of 20 October 1995 (as later amended);
- Customs authorities should notify the non-discharge of “sensitive” TIR Carnets as soon as possible.

3. During the meeting, the IRU proposed to extend the above measures to all Contracting Parties to the Convention with slight corrections of the EU list of sensitive goods. A newly proposed “global” list of sensitive goods as distributed by the IRU at the meeting is annexed to the present document.

4. The TIR secretariat is of the opinion that the TIRExB should consider the proposals made by the IRU with a view to their compliance with the provisions of the TIR Convention. In particular, the following issues may be analyzed:

- according to Article 42 bis of the Convention, all control measures should be considered either by the TIR Executive Board or by the TIR Administrative Committee;
- the Convention foresees no distinction between different kinds of goods except for tobacco/alcohol products for which a specific TIR Carnet should be used;
- the price for the "sensitive" TIR Carnets has to be monitored by the TIRExB;
- the selection of guaranteeing associations and transport operators authorized to deal with sensitive goods may not be in line with Annex 9, Part I and Part II of the Convention where minimum conditions and requirements for access to the TIR procedure are specifically listed;
- the proposed “global” list of sensitive goods may not cover the needs of all Contracting Parties.

5. Another fundamental question may also be raised in this context. Adoption of the above measures would mean that the insurance-based TIR guarantee system which currently is not described in the Convention requires modification as it affects the application of the TIR procedure both at the national and international levels under the pretext of re-establishment of full guarantee coverage for all goods transported within the TIR regime. On the other hand, it could be argued that the TIR guarantee scheme should be flexible enough to meet all today's requirements with regard to the sensitivity of certain goods without the need to impose additional rules and procedures which are difficult to comply with in practice in a system which is designed for the facilitation of Customs transit for very large volumes of cargoes and numbers of operations.

6. The TIRExB may wish to comment on these issues or to be informed by the IRU or the European Commission on further developments in this field.

Proposed reduced list of high risk goods (HVG)

HS Code	Description
0102.10	Live bovine animals, pure-bred breeding animals
0102.90	Live bovine animals, other
0201.10	Meat of bovine animals, fresh or chilled, carcasses or half-carcasses
0201.20	Meat of bovine animals, fresh or chilled, other cuts with bone in
0201.30	Meat of bovine animals, fresh or chilled, boneless
0202.10	Meat of bovine animals, frozen, carcasses or half-carcasses
0202.20	Meat of bovine animals, frozen, other cuts with bone in
0202.30	Meat of bovine animals, frozen, boneless
0207.10	Poultry not cut in pieces, fresh or chilled
0207.21	Poultry not cut in pieces, frozen, fowls of the species <i>Gallus domesticus</i>
0207.22	Poultry not cut in pieces, frozen, turkeys
0207.23	Poultry not cut in pieces, frozen, ducks, geese and guinea fowls
0207.31	Poultry cuts and offal (including livers), fresh or chilled, fatty livers or geese or ducks
0207.39	Poultry cuts and offal (including livers), fresh or chilled, other
0207.41	Poultry cuts and offal other than livers, frozen, of fowls of the species <i>Gallus domesticus</i>
0207.42	Poultry cuts and offal other than livers, frozen, of turkeys
0207.43	Poultry cuts and offal other than livers, frozen, of ducks, geese or guinea fowls
0207.50	Poultry livers, frozen
0402.10	Milk and cream, concentrated or containing added sugar or other sweetening matter, in powder, granules or other solid forms, of a fat content, by weight, not exceeding 1,5%
0402.21	Milk and cream, concentrated, in powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5%, not containing added sugar or other sweetening matter
0402.29	Milk and cream, concentrated, in powder, granules or other solid forms, of a fat content, by weight, exceeding 1,5%, other
0402.91	Milk and cream, concentrated, other, not containing sugar or other sweetening matter
0402.99	Milk and cream, concentrated, other, other
0405.00	Butter and other fats and oils derived from milk

HS Code	Description
1516.10	Animal fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinized, whether or not refined, but not further prepared
1516.20	Vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinized, whether or not refined, but not further prepared
1517.10	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading No 1516, excluding liquid margarine
1517.90	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading No 1516, other
1701.11	Cane sugar, in solid form, raw sugar not containing added flavouring or colouring matter
1701.12	Beet sugar, in solid form, raw sugar not containing added flavouring or colouring matter
1701.91	Cane or beet sugar and chemically pure sucrose, in solid form, containing added flavouring or colouring matter
1701.99	Cane or beet sugar and chemically pure sucrose, in solid form, other

IRU, November 2000