



**TIR EXECUTIVE BOARD (TIRExB)**  
**COMMISSION DE CONTROLE TIR (TIRExB)**  
**ИСПОЛНИТЕЛЬНЫЙ СОВЕТ МДП (ИСМДП)**

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## **Administrative Committee for the TIR Convention, 1975**

### **TIR Executive Board (TIRExB)**

#### **Sixty-ninth session**

Geneva, 10 October 2016

Agenda item V (c)

### **Computerization of the TIR procedure – ITDB**

#### **Note by the secretariat**

#### **I. Background and mandate**

1. At its sixty-eighth session (June 2016), the Board requested the secretariat to prepare a document outlining the difference between “withdrawal” and “exclusion” of TIR Carnet holder (see TIRExB/REP/2016/68, draft with comments, para. 18).

2. Against this background, the secretariat prepared this Informal document, which is an excerpt from document TRANS/WP.30/AC.2/2004/7, in which the TIR Administrative Committee established the distinction between both terms (see ECE/TRANS/WP.30/AC.2/73, para. 36). This distinction was confirmed by TIRExB at its forty-fourth session (September 2010).

#### **II. Withdrawal of authorization (revocation)**

3. The term 'withdrawal of authorization' (revocation) is used in Annex 9, Part II, and in the Model Authorization Form (MAF) when referring to transport operators who are no longer authorized to use the TIR regime because they have committed a serious offence against the customs laws or regulations applicable to the international transport of goods or who no longer fulfil the other minimum conditions and requirements, as specified in the Convention. The use of the term in this way can be deducted (a contrario) from Article 6, paragraph 4 of the Convention. Withdrawal of authorization can be temporary (in this case the transport operator is eligible for renewed access (rehabilitation) into the TIR system), or permanent. Within this context, it may be important to stress that the act of withdrawal of authorization is a prerogative of the competent authorities.

#### **III. Exclusion**

4. The concept of exclusion is contained in Article 38: “Each of the Contracting Parties shall have the right to exclude temporarily or permanently from the operation of this Convention any person guilty of a serious offence against the Customs laws or regulations applicable to the international transport of goods”. The scope of the term is explained in a comment to Article 38, which stipulates that the concept of exclusion should be applied to

foreign TIR Carnet holders, specifying that, in order to exclude a national transport operator guilty of a serious offence against the Customs laws committed in the territory of the country where he is resident or established from using the TIR regime, customs authorities are recommended to use the provisions of Article 6, paragraph 4 and Annex 9, Part II, paragraph 1 (d) rather than the provisions of Article 38, paragraph 1.

5. In line with the provisions of Article 38, paragraph 2 and one of its comments, the competent authorities of the Contracting Party on whose territory the person concerned is established or resident will have to be informed of the exclusion so as to allow them to take into due account any information notified by the other Contracting Party in accordance with Article 38, paragraph 2 on serious or repeated offences against customs legislation committed by that person.

6. Chapter 5.8 of the TIR Handbook contains an extensive example of best practice on the application of Article 38 of the Convention.

## **VI. Considerations by the Board**

7. The Board is invited to provide its reconfirm the above distinctions.

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