



**ADMINISTRATIVE COMMITTEE
FOR THE TIR CONVENTION, 1975**

TIR Executive Board (TIRExB)

(Thirtieth session, 29 and 30 November 2006,
agenda item 6)

TRACTOR UNITS IN THE FRAMEWORK OF THE TIR CONVENTION

Note by the TIR Secretary

A. BACKGROUND

1. The TIRExB, at its twenty-ninth session, considered a request for clarification from the Serbian Customs Administration about TIR transports performed by a tractor unit – semi-trailer combination. The Serbian Customs wondered whether the TIR Convention allows for a change of the tractor unit without Customs surveillance and, if yes, when and how such a change should be reflected in the TIR Carnet.

2. The Board felt that two situations should be distinguished: (i) both tractor units belong to one and the same TIR Carnet holder and (ii) tractor units belong to different TIR Carnet holders. It was realized that the second situation is closely linked to the issue of subcontractors. On the assumption that a change of the tractor unit is permitted, the TIRExB shortly discussed whether this change should be indicated on the TIR Carnet. Two opposite views were expressed:

- (a) the TIR Convention focuses on the load compartment (trailer, semi-trailer, container) where TIR goods are located. A tractor unit without a load compartment is not subject to TIR approval and is of no interest to Customs authorities. Thus, neither tractor unit nor its possible replacement should be reflected in the TIR Carnet. This view was shared by the IRU;
- (b) a tractor unit is considered as a road vehicle, according to the definition of Article 1 (g). The TIR procedure applies not only to the transported goods, but also to all road vehicles carrying out a TIR transport. Both goods and vehicles are under Customs surveillance and, therefore, should be included in the TIR Carnet. In case the tractor unit is substituted, the proper corrections should be made in the TIR Carnet.

3. In order to make further progress, the Board requested the secretariat as well as the IRU to draft documents which would take into account various views on the issue TIRExB/REP/2005/29draft, paras.21 and 22). Following this request, the secretariat has prepared the current document.

B. ANALYSIS OF THE CONVENTION

4. For the sake of simplicity, this analysis refers to a tractor unit – semi-trailer combination carrying goods under Customs seal. Basically, the question if a tractor unit and its possible replacement should be reflected in the TIR Carnet is closely linked to the issue whether or not the provisions of the TIR Convention concern tractor units. Key provisions of the TIR Convention referring to road vehicles have been selected (see the table below) with the aim to find a reply if these clauses could be interpreted as applicable to tractor units.

Provisions of the Convention	Apply to tractor units?
<p style="text-align: center;"><i>Article 1 (g)</i></p> <p>the term "road vehicle" shall mean not only any power driven road vehicle but also any trailer or semi trailer designed to be coupled thereto</p>	Yes
<p style="text-align: center;"><i>Article 2</i></p> <p>This Convention shall apply to the transport of goods without intermediate reloading, in road vehicles, combinations of vehicles or in containers...</p>	Probably, no
<p style="text-align: center;"><i>Article 3</i></p> <p>... the transport operation must be performed</p> <p>(i) by means of road vehicles, combinations of vehicles or containers previously approved under the conditions set forth in Chapter III (a) ...</p>	No
<p style="text-align: center;"><i>Article 12</i></p> <p>In order to fall within the provisions of sections (a) and (b) of this Chapter, every road vehicle must as regards its construction and equipment fulfil the conditions set out in Annex 2 to this Convention...</p>	No
<p style="text-align: center;"><i>Article 15.1</i></p> <p>No special Customs documents shall be required in respect of the temporary importation of a road vehicle, combination of vehicles or container carrying goods under cover of the TIR procedure. No guarantee shall be required for the road vehicle or combination of vehicles or container</p>	Unclear

Provisions of the Convention	Apply to tractor units?
<p style="text-align: center;"><i>Article 16</i></p> <p>When a road vehicle or combination of vehicles is carrying out a TIR transport, one rectangular plate bearing the inscription "TIR" and conforming to the specifications given in Annex 5 to this Convention, shall be affixed to the front and another to the rear of the road vehicle or combination of vehicles. These plates shall be so placed as to be clearly visible...</p>	<p style="text-align: center;">Yes</p> <p style="text-align: center;">(the TIR plate should be affixed to the front of the tractor unit)</p>
<p style="text-align: center;"><i>Article 19</i></p> <p>The goods and the road vehicle, the combination of vehicles or the container shall be produced with the TIR Carnet at the Customs office of departure...</p>	<p style="text-align: center;">Unclear</p>
<p style="text-align: center;"><i>Article 21</i></p> <p>At each Customs office <u>en route</u> and at Customs offices of destination, the road vehicle, the combination of vehicles or the container shall be produced for purposes of control to the Customs authorities together with the load and the TIR Carnet relating thereto.</p>	<p style="text-align: center;">Unclear</p>
<p style="text-align: center;"><i>Explanatory Note 0.21-1</i></p> <p>The provisions of this Article do not restrict the right of Customs authorities to examine all parts of a vehicle in addition to the sealed load compartment</p>	<p style="text-align: center;">Yes</p>

5. It should be noted that for Articles 15, 19 and 21 no clear-cut replies are possible. At the same time, the harmonized application of these Articles is crucial for the smooth functioning of the TIR procedure. In particular, the following issues need to be addressed:

- Does a tractor unit have to be presented at the Customs offices of departure, destination and en route?
- Under which Customs document and under which guarantee is a tractor unit temporarily imported?

6. If approach (a) in paragraph 2 above is followed and the tractor unit is not indicated on the TIR Carnet, then one may conclude that it is not obligatory to present the tractor unit at the Customs offices of departure, destination or en route. On the other hand, the TIR Carnet cannot be used for temporary admission of the tractor unit, and the holder could face the necessity to present another Customs document for temporary importation of the tractor (e.g., Carnet de Passage) and, possibly, to furnish a separate guarantee.

7. If approach (b) of paragraph 2 above is followed and the tractor unit is reflected in the TIR Carnet, neither additional Customs document nor guarantee is required for temporary importation

of the tractor unit. At the same time, the tractor unit has to be presented at the Customs offices of departure, destination and en route, together with the load, semi-trailer and the TIR Carnet. Any change of the tractor unit should be made with the consent of Customs authorities, and the proper corrections should be made in the TIR Carnet.

C. CONSIDERATIONS BY THE TIRExB

8. The TIRExB may wish to discuss the views expressed in the present document. In particular, the members of the Board as well as the IRU are invited to present the implementation of the above provisions and experiences in this area at national level.
