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

**TIR Executive Board (TIRExB)**

(Thirty-ninth session, 17 and 18 March 2009,  
agenda item 13)

**OTHER MATTERS**

**Transmitted by the Government of Turkey**

Comment by the secretariat:

At its 121st session, the Working Party considered document ECE/TRANS/WP.30/2009/6 by Turkey, containing two draft Explanatory Notes to Article 38. The delegation of Turkey pointed out that, although the objective of their proposals was to solve problems faced by Turkish operators, TIR Carnet holders of other countries could also benefit from these proposals. IRU expressed its support to these proposals. The Working Party considered that the draft Explanatory Notes contained detailed provisions which, if adopted, could interfere with national regulations that vary from one country to another. It was suggested that comments or examples of best practices might be more suitable to address the issues at stake. The Working Party, realizing that the difficulties encountered by Turkish operators might rather be due to the inadequate application of Article 38 in certain countries than the absence of necessary provisions in the TIR Convention, invited the delegation of Turkey to submit relevant information to the TIRExB for further study (ECE/TRANS/WP.30/242, paragraph 36).

Following this invitation, the government of Turkey issued a note on the application of Article 38 of the Convention, contained in Annex of the present document, with a request for consideration by the TIRExB.



PERMANENT MISSION OF TURKEY  
TO THE UNITED NATIONS  
GENEVA

**Ref No.: 742.22/2009/BMCO DT/2630**

The Permanent Mission of the Republic of Turkey to the United Nations Office at Geneva and other international organizations in Switzerland presents its compliments to the Secretariat of the UN European Economic Commission (UNECE) and has the honour to attach herewith the note titled "Application of Article 38 of the Convention".

The Mission kindly requests from the TIR Secretariat to submit the document "ECE/TRANS/WP.30/2009/6", which was considered during the 121st session of the WP.30 (2-6 February 2009), to the next meeting of the TIR Executive Board to be held on 17-18 March 2009.

The Permanent Mission of the Republic of Turkey avails itself of this opportunity to renew to the Secretariat of the UN European Economic Commission the assurances of its highest consideration.

Geneva, 10 March 2009



Encl.: As stated above

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**Application of Article 38 of the Convention**

**Transmitted by the Government of Turkey**

At its one hundred and twentyfirst session, Working Party considered document ECE/TRANS/WP.30/2009/6 by Turkey, containing two draft Explanatory Notes to Article 38. The Working Part invited the delegation of Turkey to bring to the attention of the TIRExB the points raised in the said document (ECE/TRANS/WP.30/242 paragraph 36) for further study.

In this regard, Turkey would like the TIRExB to consider the above mentioned document and paragraph 36 of the Report of the Working Party at its one hundred and twentyfirst session and recommend the procedure that should be followed to overcome the difficulties encountered by some of the TIR Carnet holders and to ensure harmonized and transparent implementation of Article 38 throughout the TIR Contracting Parties.

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