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Item 6 (b) of the provisional agenda

Best practices

Implementation of the intermodal aspects of the TIR procedure

Note by the secretariat

I. Background and mandate

1. At its seventy-first session (February 2017), TIRExB discussed, inter alia the scenario of an intermodal container transport between two inland customs offices with a sea leg. Most TIRExB members expressed their full consent with the example, which includes a clear description about the suspension of the TIR transport during the sea leg, references to applicable provisions of the Convention and information on the competence of Governments to accept, or not, the use of subcontractors. Mr. S. Amelyanovich (Russian Federation) reiterated his position that, in his view, the example of best practice was not covered by the TIR Convention. Mr. S. Fedorov (Belarus) clarified his position as not disagreeing with the scope of the example as such. However, in his view, this example of best practice was not applicable under the TIR Convention. TIRExB agreed that the example could be transmitted to AC.2 for endorsement, on the understanding that the absence of clear provisions in the TIR Convention on the use of subcontractors would be highlighted when introducing the item at AC.2 (see ECE/TRANS/WP.30/AC.2/2017/10, para. 17).

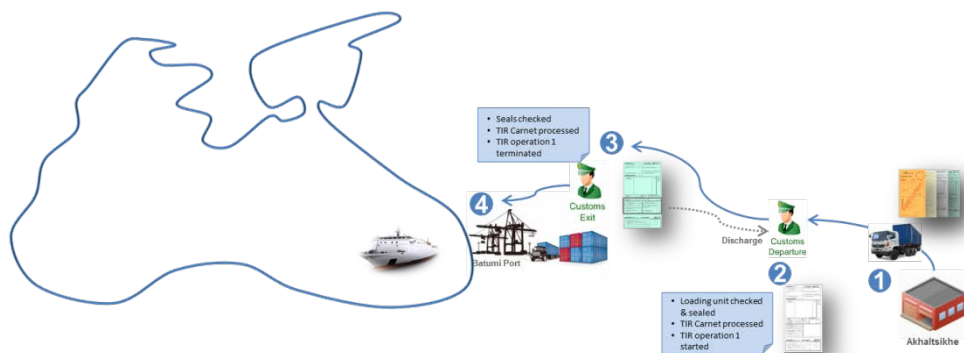
II. Considerations by the Committee

2. In Annex, the secretariat reproduces the example of best practice, for consideration by the Committee. After endorsement by the Committee, the example will be added to Chapter 5 of the TIR Handbook.

Annex

Example of an intermodal TIR transport¹

Container scenario



1. There are different types of containers used for intermodal transport. However, it is estimated that 90 per cent of the intermodal containers are “general purpose” containers mostly with sizes of 20’ or 40’ feet. In 2010, containers accounted for 60 per cent of the world’s seaborne trade. The current scenario applies to most types and uses of intermodal containers, as long as they are approved for transport under TIR.

2. In this scenario, a TIR Carnet holder gets the assignment to transport a container from Akhaltsikhe (Georgia) to an inland destination in Ukraine. The filling in of the TIR Carnet follows the same procedure as used for a standard road transport: the name of the authorized TIR Carnet holder will be inserted in Box No. 3 of the cover page and the identification number of the container, if applicable in Box 10.

3. The procedure to be taken by the customs office of departure also follows the same procedure as used in a standard road transport: customs authorities check the load on the basis of the information contained in the TIR Carnet (goods manifest) completed by the authorized TIR Carnet holder, seal the container, inscribe the seal number in the TIR Carnet, tear out Voucher No. 1 and fill in counterfoil No. 1 (See Article 19 of the Convention and Chapter 7, III, B (a) of the TIR Handbook).

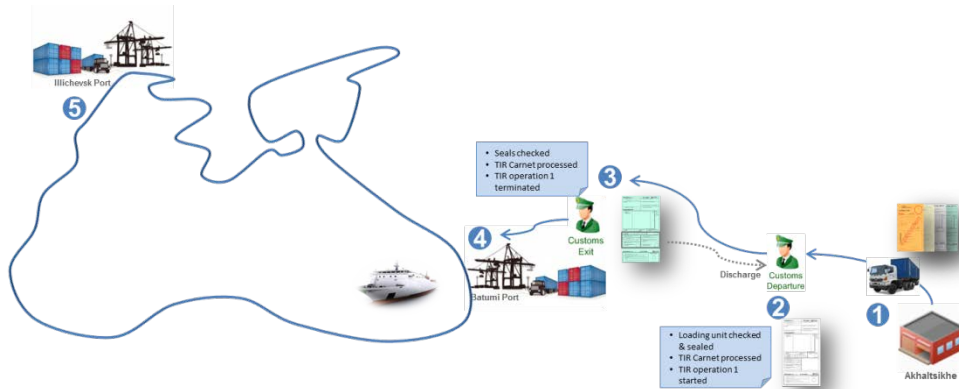
4. Upon arrival at the port of Batumi (Georgia), customs authorities check the seals, take out Voucher No. 2, fill in the corresponding counterfoil and return the TIR Carnet to (the representative of) the TIR Carnet holder. The container is then loaded on a cargo vessel for the sea transport (See also Chapter 7, III, B (b) of the TIR Handbook).

5. During the sea leg, the holder of a TIR Carnet may ask the customs authorities to suspend the TIR transport in accordance with the provisions of Article 26, paragraph 2 of the Convention (see Comment to Article 26 “use of the TIR procedure in case a part of the journey is not made by road”). In case of suspension, customs treatment and customs control should be available at the end of the sea leg in order to resume the TIR transport, in accordance with the provisions of Article 26 of the Convention.

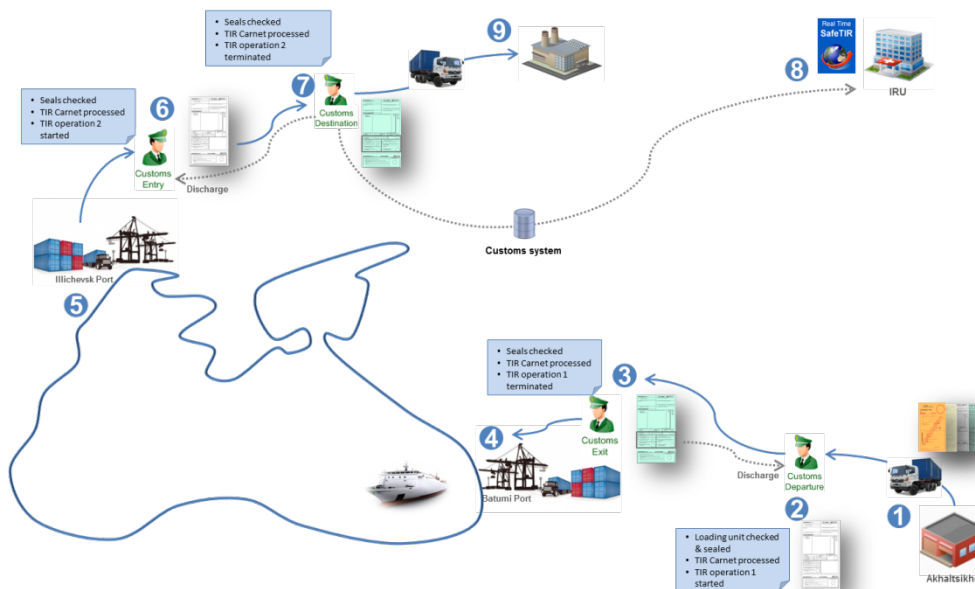
¹ This example of best practice is based on an existing example of best practice of an intermodal TIR transport between two TIR Contracting Parties. This does, however, not exclude that the example cannot be applied for intermodal TIR transports between certain TIR Contracting Parties, due to the application of provisions of national law.

6. The method of transferring (by mail, air or any other way) the TIR Carnet from the customs office of exit en route to the customs office of entry en route is left to the TIR Carnet holder.

7. After unloading the container from the vessel in the port of Illichevsk (Ukraine), the TIR Carnet is produced at the customs office of entry en route (Article 21 of the Convention). The seals are checked by the customs office, which tears out Voucher No. 1 and fills in counterfoil No. 1 (See also Chapter 7, III, B (c) of the TIR Handbook).



8. The transport continues until the final destination in Ukraine, where the container and goods are produced for termination of the TIR operation and final termination of the TIR transport (Article 28 of the Convention). The office of destination removes Voucher No. 2, fills in the corresponding counterfoil and returns the TIR Carnet. Following the usual procedure, the termination is confirmed to the international control system (SafeTIR; Annex 10 of the Convention). The competent customs office then proceeds with the discharge of the final TIR operation (See also Chapter 7, III, B (d) of the TIR Handbook).



9. In the context of this example, Contracting Parties are recommended to bear in mind that:

- (a) TIRExB, at its thirty-eighth session (December 2008), established that:

- in view of the absence of any legal or practical problem with regard to the use of subcontractors, it did not seem to make sense to propose changes to the TIR Convention;
- in order to support the uninterrupted use of subcontractors in the future, it seemed appropriate to recommend that, once the Customs authorities of the country of departure [entry en route³] have accepted a TIR Carnet from another person than the authorized TIR Carnet holder, such TIR Carnet be accepted by the Customs authorities of [the same or⁴] other countries involved in a TIR transport without further requirements (see ECE/TRANS/WP.30/2009/4, paragraph 9).

(b) these considerations have been confirmed by the Committee at its forty-seventh session (February 2009; see ECE/TRANS/WP.30/AC.2/97, para. 8).

10. Whether or not a subcontractor can be assigned by an authorized TIR Carnet holder to perform part of a TIR transport, depends on the national legislation of the country concerned. It is a fact that some Contracting Parties allow, with the consent of their national guaranteeing association, some authorized TIR Carnet holders to subcontract part or the entire TIR transports to a selected number of pre-screened third-party transport operators, whereas others do not. In any case, the use of a subcontractor does not relieve the TIR Carnet holder from his liability in accordance with Article 11, paragraph 2.
