ECONOMIC COMMISSION FOR EUROPE

Administrative Committee for the TIR Convention, 1975

Fifty-third session
Geneva, 9 February 2012
Item 4 (c) of the provisional agenda

Informal document WP30/AC.2 No. 1 (2012)

23 January 2012

ENGLISH ONLY

Revision of the Convention

Amendment proposals to Annex 3

Note by the TIR secretariat

A. Background and mandate

1. At its previous session, the Administrative Committee (AC.2) took note that the United Nations Economic Commission for Europe (UNECE) Working Party on Customs Questions affecting Transport (WP.30) had considered proposals by the European Union to amend the TIR Convention, 1975 with a code system to report defects in load compartments in vehicles used for the TIR procedure as contained in document ECE/TRANS/WP.30/2010/12. As a result, the secretariat was requested to prepare an example of best practice for consideration by AC.2 together with proposals on how to amend the legal text of the Convention (ECE/TRANS/WP.30/256, paragraph 28). The secretariat reported that, due to resource constraints, it had not been in a position to liaise with the European Commission or technical experts in order to prepare a complete list to report defects in load compartments of vehicles used for the TIR procedure but that it would prepare the requested example of best practice at the earliest opportunity (ECE/TRANS/WP.30/AC.2/107, paragraph 29).

2. In the meantime, the secretariat has been in touch with various stakeholders to discuss the proposals as well as the comments thereto contained in document ECE/TRANS/WP.30/2011/7. Further to these consultations, the secretariat can now present a draft example of best practice on the application of Annex 3 of the Convention, further to considerations with regard to amendments of the legal text of the Convention.

B. Amendments to Annex 3 of the Convention

3. First of all, the secretariat is of the opinion that a code system could be used, for the time being, on a voluntary basis, without changing the legal text of the Convention. Only in case, after a trial period of two–three years (to be decided by AC.2), it turns out that the code system seems to work to the satisfaction of Contracting Parties, an introduction in the legal text could be envisaged. In that case, the secretariat thinks that the legal text should only contain a reference to a code system, whereas the code system itself could be decided upon by AC.2. This construction would allow easy adaptation of the list in case of necessity, to take account of technical innovations or the appearance of new, as yet, unidentified defects in TIR approved vehicles.

4. The amendment to Article 20 of Annex 3 could read as follows (text in bold)

Annex 3, Article 20, first phrase

For existing phrase read

In each of these cases the Customs authorities shall make an appropriate endorsement in item No. 10 of the Certificate of Approval of the vehicle **by using a code from a code system.**

Renumber the existing Explanatory Note 3.0.20 to become 3.20-1.

Insert a new Explanatory Note 3.20-2 to read as follows

The code system referred to in this Article shall be established and maintained by the TIR Administrative Committee.

5. After adoption of the above proposals, the code list could be introduced as comment to Annex3, Article 20.

C. Example of best practice

6. Although WP.30 instructed the drafting of an Example of Best Practice, the secretariat is of the opinion that, at this stage, a Recommendation seems more appropriate, considering that, as yet, no Contracting Party actually applies a code system on which an example of best practice could be based.

D. Considerations by the Committee

7. The Committee is invited to informally consider the above proposals by the secretariat as well as the text of the Recommendation contained in the annex to this document. When considering the issue, AC.2 may wish to invite delegations to liaise with their national competent technical authorities in order to ensure accuracy and full understanding of the description given for each code, as well as alignment of the descriptions with the terminology used in Annex 2 of the Convention. In addition, competent national authorities may wish to verify that the application of the codes is limited to defects of the load compartment only.

"4[1] Recommendation

Introduction of a code system to report defect remarks in the Certificate of Approval

I. Introduction

1. One of the principles of the TIR customs transit regime is that goods shall be carried in load compartments which are constructed in a such way that there shall be no access to the interior when secured by a Customs seal and that any tampering will be clearly visible.

2. This principle is developed in Article 12 of the TIR Convention which stipulates that every road vehicle must, as regards its construction and equipment, fulfil the conditions set out in Annex 2 of the TIR Convention and must have been approved according to the procedure laid down in Annex 3 of the TIR Convention. If the conditions are fulfilled, competent national authorities issue a Certificate of Approval (conforming to the specimen reproduced in Annex 4) for the road vehicle. In principle, this certificate shall be recognized in all Contracting Parties to the TIR Convention.

3. Article 14 of the TIR Convention reserves the right of a Contracting Party to refuse recognizing the validity of the approval in the case a road vehicle (or container) does not meet the requirements and before the road vehicle in question can be used again for the transport of goods under a Customs seal it shall be either restored to its original state or presented for re-approval.

4. The procedure for endorsement of the Certificate of Approval (Annex 3, paragraph 19) provides that when an approved vehicle carrying goods under cover of a TIR carnet is found to have major defects, the competent authorities of the Contracting Party may either refuse to allow the vehicle, to continue its journey on its territory or take the necessary security precautions. In accordance with Annex 3, paragraph 20 the Customs authorities shall make an appropriate endorsement in item No. 10 of the Certificate of Approval. When the vehicle has been restored to a condition which justifies approval, it shall be presented to the competent authorities of a Contracting Party that shall revalidate the Certificate by adding an endorsement in item No. 11 cancelling the earlier observations recorded in item No. 10.

II. Existing difficulties

5. Until now,, the rules do not specify any uniform system or codes to record a defect remark in the Certificate of Approval. In practice, the Customs authorities use their own national language and handwriting to report a defect remark. As the space reserved for the text is rather limited, the defect is not always properly described.

III. Solution

6. Competent authorities of Contracting Parties are strongly encouraged to replace the handwritten defect remarks by a code system indicating the exact place and type of defect that has been recorded in the Certificate of Approval. This code system should become recognized by all Contracting Parties. The introduction of a code system greatly facilitates trade and standardizes the process of informing carriers, Customs authorities in different Contracting Parties and other bodies involved in the TIR system of any defects of vehicles.

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[1] Number refers to Chapter 4 of the TIR Handbook

IV. Code system to report defect remarks in the certificate of approval

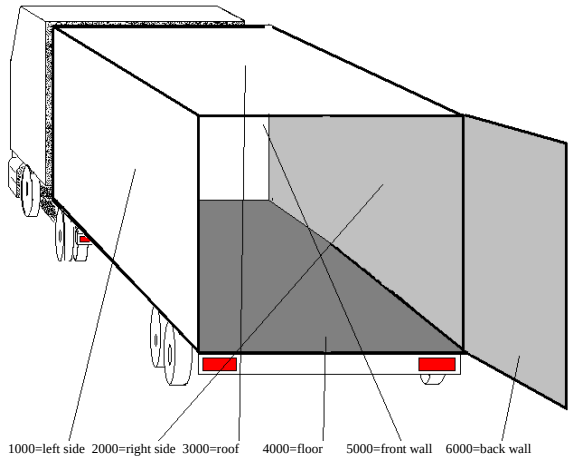
7. The uniform system consists of four (4) digits code.

8. The code divides the load compartment into six separate sections: left side, right side, floor, roof, front wall and back wall. In addition, the load compartment is divided into three separate parts longitudinally (direction of motion): front, centre, back. No further subdivision of the front and back wall is given, since the areas to be examined are quite small.

A. First number

The first number indicates the part in question of the load compartment:

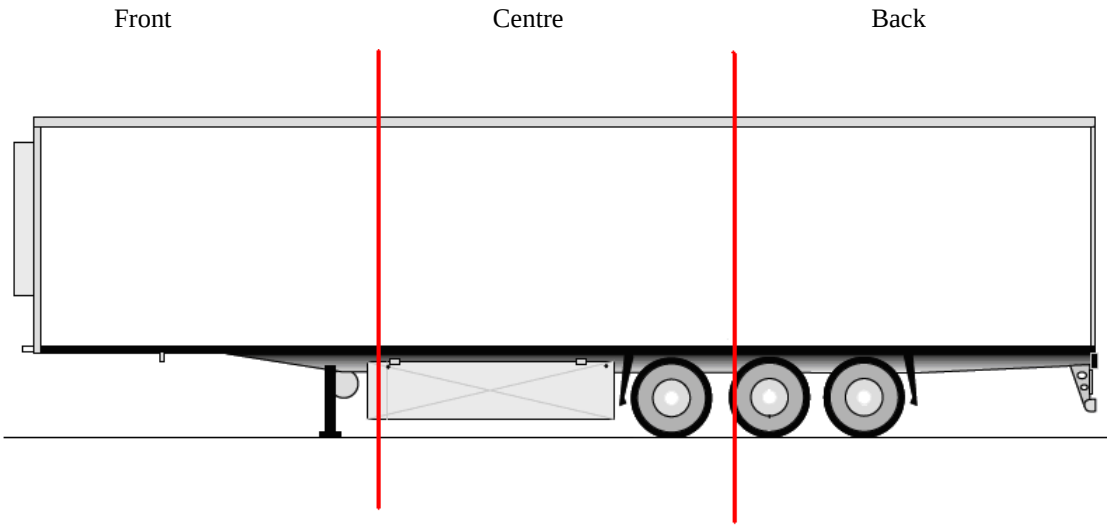
- 1000 Left side
- 2000 Right side
- 3000 Roof
- 4000 Floor
- 5000 Front wall
- 6000 Back wall
- 7000 The defect in question concerns the load compartment as a whole



B. Second number

The second number indicates the part in question longitudinally:

- 0100 Front (e.g. 1100 = left side, front)
- 0200 Centre
- 0300 Back

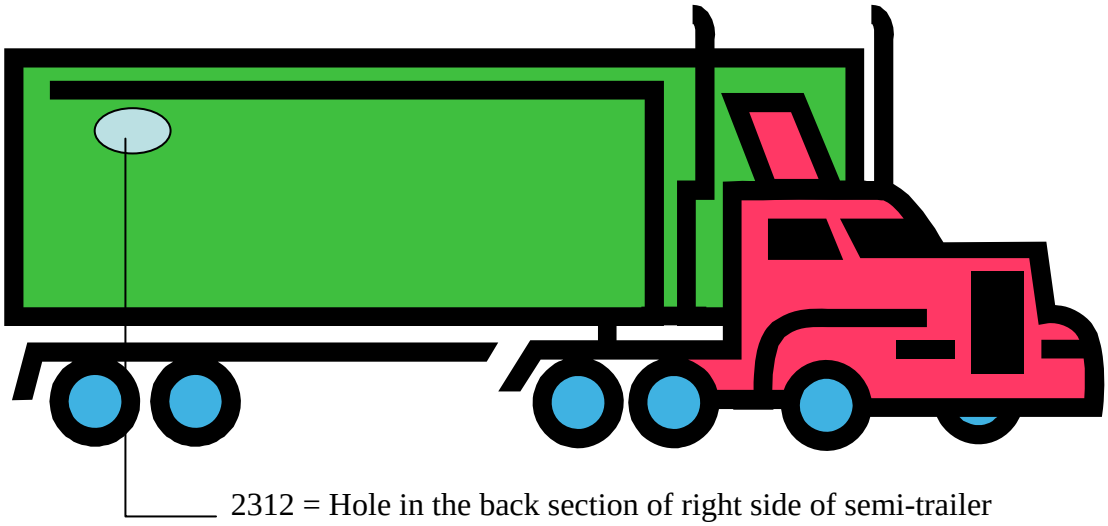


C. Last two numbers

The last two numbers indicate the defect itself. The following are the most common defects detected in practice:

- 01 The (whole) fastening rope defective
- 02 End-piece of the fastening rope defective
- 03 Space between securing rings / eyelets too wide
- 04 Reinforcement of the securing ring missing
- 05 Securing ring not fastened from inside
- 06 Securing ring / eyelet missing
- 07 Incorrect eyelet model [at the upright]
- 08 Thong too loose or defective
- 09 Floor fastening not made from inside
- 10 Hole
- 11 Sliding sheet, fastening of the guidance bar insufficient
- 12 Sliding sheet, fastening insufficient
- 13 Strap / hinge fastening insufficient or not secure
- 14 Locking device insufficient or not secure
- 15 Load compartment not suitable for sealing (i.e. defect in design)
- 16 Stopcock / valve / flange / manhole-cover or apertures for ventilation and drainage not secured for sealing
- 17 Certificate of approval unusable (i.e. certificate is ripped, torn or the text / print is not readable)
- 18 TIR-approval no longer valid

- 19 Vehicle cannot be identified from the Certificate of Approval (i.e. photos, number plate or chassis number are not corresponding the vehicle presented)
- 20 Sheet not repaired from inside
- 21 Overlapping of the sheets insufficient
- 22 Sheet not tightened correctly
- 23 Curve, crease or loss in endurance of the support unit (due to an accident or improper loading of the consignment)
- 24 Improper adjustment / threading of the bobbin
- 25 Other defect on the exterior of the load compartment
- 26 Other defect not mentioned in above listing



D. Example of the Certificate of Approval

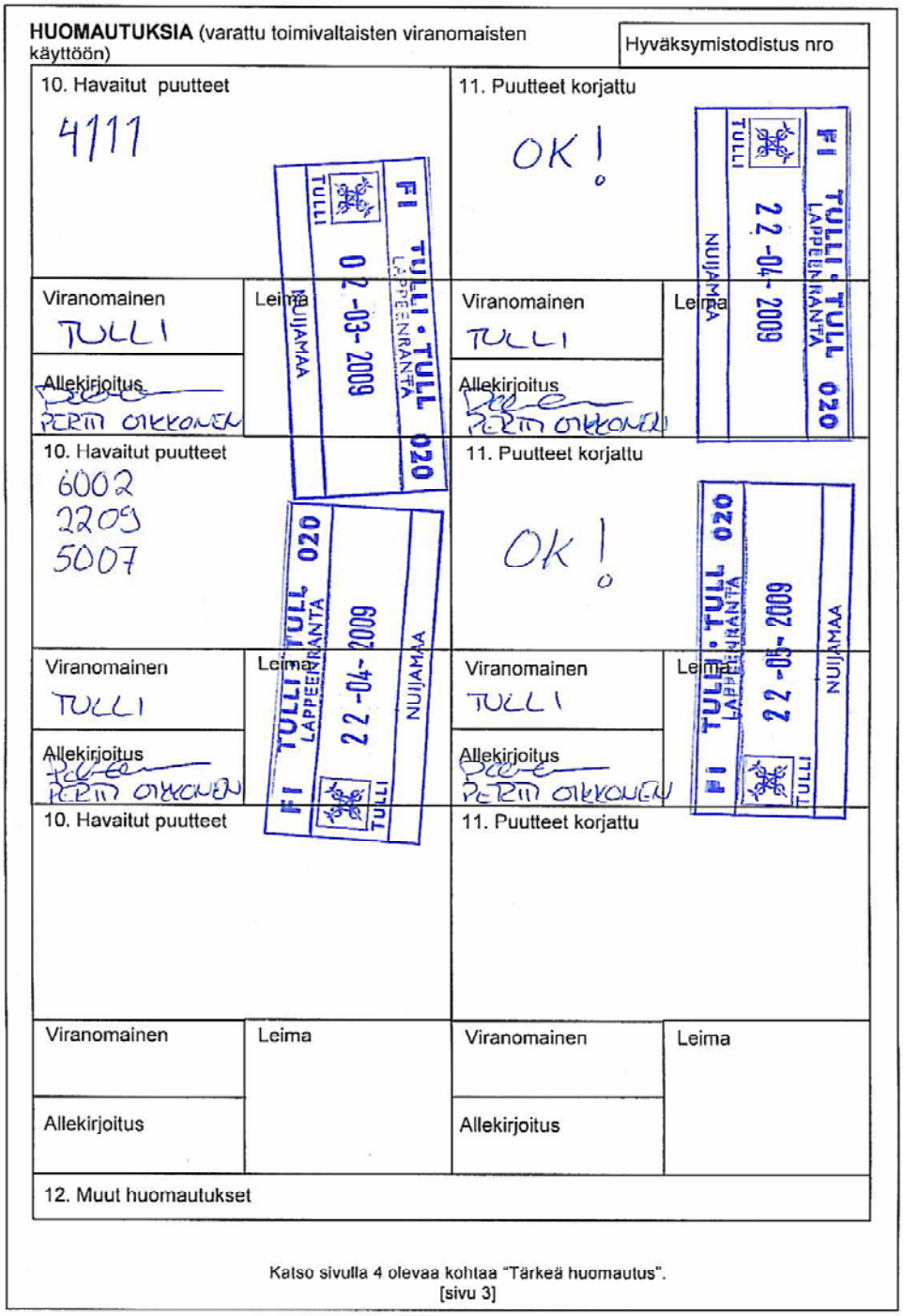
9. Appendix I to this Chapter contains an example of the Certificate of Approval where defects are entered using a code system.

E. Recommendation

10. Competent authorities of all Contracting Parties are strongly encouraged, but under no legal obligation to introduce and apply, or at least recognize, the use of the code system to report defect remarks in the Certificate of Approval. The TIR Administrative Committee will monitor its application, pending the introduction of a legal obligation to use the code system.

Appendix

Example of Certificate of Approval using the code system (Finland)



HUOMAUTUKSIA (varattu toimivaltaisten viranomaisten käyttöön)

Hyväksymistodistus nro

10. Havaitut puutteet		11. Puutteet korjattu	
4111		OK!	
Viranomainen: TULLI	Leima: FI TULLI • TULL 020 LAPPEENRANTA 02-03-2009 NUIJAMAA TULLI	Viranomainen: TULLI	Leima: FI TULLI • TULL 020 LAPPEENRANTA 22-04-2009 NUIJAMAA TULLI
Allekirjoitus: PERTTI OIKKONEN		Allekirjoitus: PERTTI OIKKONEN	
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Allekirjoitus: PERTTI OIKKONEN		Allekirjoitus: PERTTI OIKKONEN	
10. Havaitut puutteet		11. Puutteet korjattu	
Viranomainen	Leima	Viranomainen	Leima
Allekirjoitus		Allekirjoitus	

12. Muut huomautukset

Katso sivulla 4 olevaa kohtaa "Tärkeä huomautus".
[sivu 3]