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**ECONOMIC COMMISSION FOR EUROPE**

INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting Transport

(Ninety-seventh session, 20-23 February 2001,  
agenda item 8 (d) (v) )

**CUSTOMS CONVENTION ON THE INTERNATIONAL TRANSPORT OF GOODS  
UNDER COVER OF TIR CARNETS (TIR CONVENTION 1975)**

**Application of the Convention**

**Escorts of road vehicles**

**Note by the UN/ECE secretariat**

**A. MANDATE AND INTRODUCTION**

1. At its ninety-sixth session, the Working Party had considered the application of Article 23 of the Convention on the requirements for escort services on the basis of proposals made by the International Road Transport Union (IRU) (TRANS/WP.30/2000/20). The Working Party had noted that the application of Article 23 of the Convention depended on the risk assessment made by Customs offices of departure or entry en route and depended on a large number of factors which were stipulated in internal administrative instructions. In many instances, major elements were insufficient guarantee coverage of TIR Carnets, unclear description of the goods in the goods manifest, sensitive cargoes and reliability of the transport operator.

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2. Since several representatives had felt that Customs authorities could be recommended, on request and as a service to the transport operator, to insert the requirement and the reasons for escort services into the counterfoils of the TIR Carnet, the secretariat was requested to prepare a draft comment to this effect referring also possibly to the reasons which had led transport operators and the IRU to request such an insertion (TRANS/WP.30/192, paras. 61 and 62).

**B. DRAFT COMMENT PREPARED BY THE SECRETARIAT**

3. Taking account of document TRANS/WP.30/2000/20, prepared by the IRU, and in line with the discussions of the Working Party at its ninety-seventh session, the secretariat proposes the following modification to the existing comment to Article 23 of the Convention:

At the end of the comment to Article 23, add the following sentence:

“... In such cases and in particular if no other written proof is provided to the carrier, Customs authorities are recommended, at the request of the carrier, to insert into counterfoil No. 1 of the TIR Carnet under item 5 “Miscellaneous” the word “Escort”, followed by a short indication of the reasons which had led to the requirement for such escorts.”

4. The secretariat is of the view that the comment proposed by the IRU on the fact that Customs authorities should not refuse the acceptance of duly filled-in TIR Carnets and should not require the use of national or other Customs transit procedures at border crossings, should not be included into the comment relating to Article 23 of the Convention. The secretariat feels that the provisions of Articles 3 and 4 of the Convention, also read in conjunction with Articles 48 and 49, provided unambiguous provisions in as far as additional or other Customs documents and guarantees were concerned: Contracting Parties to the Convention are not allowed to introduce Customs measures other than those explicitly prescribed in the Convention if these measures attenuate the facilities provided for by the Convention (Article 48) or impeded their application (Article 49).

5. The secretariat has been informed, however, that Customs agents and other private forwarding service providers at border crossings, induced sometimes carriers using their services, to terminate their TIR transport and to use instead, for the remainder of the journey, for example the Common or Community Transit System. Such procedures should not be allowed as they were not in line with the provisions and the spirit of the TIR Convention nor of any international Customs transit system as they put an unnecessary burden on both carriers and Customs personnel at border crossings. Relevant information to this effect might be distributed to carriers, Customs agents and Customs authorities by national associations, the IRU and Customs authorities respectively.

6. The Working Party may wish to consider the proposed modification of the comment to Article 23 and may wish to decide whether further clarifications on this issue should be provided.

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