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## **Economic Commission for Europe**

### **Administrative Committee for the TIR Convention, 1975**

#### **Seventy-third session**

Geneva, 14 and 15 October 2020

Item 5 (b) of the provisional agenda

#### **Revision of the Convention**

**Amendment proposals to the Convention transmitted by the TIR Executive Board.**

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In Annex, the secretariat transmits a letter by the Romanian customs administration

## Annex



### **ROMANIA - Ministry of Public Finance**

National Agency of Fiscal Administration  
**General Customs Directorate**

**Nr. 21099/02.10.2020**



**Address: Al. Ivasiuc, 34-40  
Str.  
6 District, Bucharest  
Tel: 021 315 58 58  
Fax: 021 313 82 51  
e-mail: vama@customs.ro**

**European Commission - DGTAXUD  
TIR Executive Board - UNECE  
Administrative Committee for the TIR Convention**

**TIR Secretariat  
Sustainable Transport Division  
United Nations Economic Commission for Europe**

Dear Madams,

Dear Sirs,

The Romanian customs administration would like to inform you about its point of view regarding the document ECE/TRANS/WP.30/AC.2/2020/19, subject to attention of the Administrative Committee for the TIR Convention, on the agenda of the seventy third session (14-15 octombrie 2020), as follows:

We would like to express our gratitude for the attention paid by TIRExB to our requests sent with our letters no. 583/TZ/17.01.2018 and no. 3491/05.02.2018 (Informal document WP.30/AC.2 (2018) No.4) regarding the possibility to clarify the reasons that could lead to the termination of the written agreements between the international organization and the national guaranteeing associations, mentioned in Explanatory Note to Article 6, paragraph 2 bis of the TIR Convention.

Also, we express our gratitude for the considerations of TIRExB regarding the early warning mechanism and guidelines in case of disputes and, although we hope that a similar situation as Romania has experimented in the case of exclusion of ARTRI from IRU membership should never repeat, we must raise some reservations concerning that it might not happen in the future, taking into account that the reasons of an exclusion are not related directly to the violation of the responsibilities of the national guaranteeing association against the functioning of the TIR Convention.

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We will recall with this occasion that IRU informed the Romanian customs authority in autumn 2017 that it has decided to terminate the deeds of engagement and to proceed with ARTRI exclusion "*due to the behavior of ARTRI against IRU in the last months*". Thereafter, in the application of the provisions of Article 6 of the TIR Convention, in January 2018 we have been notified by IRU regarding the limited validity until 31.01.2018 of the ARTRI insurance guarantee contract signed with the international assurance company. In this conditions, the unilateral measures took by IRU placed the Romanian customs authority in the impossibility to continue the collaboration with the guaranteeing association ARTRI, being constrained, as a consequence, to notify ARTRI regarding the termination of the written agreement, although the association has no registered any violation against the provisions of the TIR Convention, over 25 years of functioning, fulfilling its obligations as a guaranteeing association in the TIR guaranteeing chain system.

Furthermore, we consider that it will be useful that the time limit for the early warning mechanism, respectively "*without delay*" mentioned in the document should be clarified, taking into account the short period of time, respectively less than 6 months which took for this events to succeed in our country.

Yours sincerely,

**Marcel Simion Mutescu**

**Director General**



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