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**Economic Commission for Europe****Administrative Committee for the TIR Convention, 1975****Seventy-fourth session**

Geneva, 9–11 February 2021

Item 5 (d) of the provisional agenda

**Revision of the Convention****Recommendation to Annex 3 on a code system to report defect remarks in the certificate of approval****Note by the secretariat****I. Mandate**

1. At its seventy-third session (October 2020), the Administrative Committee for the TIR Convention, 1975 (AC.2) recalled that, at its seventy-second session (February 2020), the delegations of Azerbaijan, the European Union and Turkey reported on the benefits of the code system and advocated its conversion into, possibly, an Appendix to Annex 3. In order to obtain a better understanding about the current practice in applying the recommendation, the Committee requested the secretariat to launch a short survey among contracting parties about their national experiences in this area. The results of the survey should be forwarded for review and assessment by the TIR Executive Board (TIRExB) at its June 2020 session, after which TIRExB was invited to transmit its findings to the Committee for consideration at its next session (ECE/TRANS/WP.30/AC.2/147, para. 36). Considering that the June 2020 session of TIRExB was postponed to October 2020, due to the COVID pandemic, the Committee was orally briefed by the Chair of TIRExB about the results of the survey and the initial findings of the Board. In particular, the Committee took note that, whereas most countries seem to be familiar with the recommendation, not many actually apply the code system. To assess the situation in more detail and, in particular, whether to continue with the code system as a recommendation or to insert it in the legal text of the Convention, the Committee requested the secretariat to prepare the results of the survey as official document for consideration at its next session, including proposals how to insert the code system in the legal text of the Convention (ECE/TRANS/WP.30/149, paras. 28–29)/

2. In Annex, the secretariat transmits the results of the survey.

**II. Considerations by the Committee**

3. The Committee is invited to take note of the results of the survey and to assess whether it seems preferable to continue with the code system as a recommendation or to insert it in the legal text of the Convention.



## Annex

### I. Background

1. At its sixty-first session (June 2015), AC.2 adopted a Recommendation, introducing a code system to report defect remarks in the Certificate of Approval. Main aim of the code system was to provide a clear and unambiguous description of defects in the load compartments of vehicles approved for the TIR procedure. Often, a noted defect turned out to be illegible, due to the personal handwriting, national language or script used by the customs authorities endorsing item No. 10 of the certificate of Approval, rendering it of limited use to the authorities in charge of endorsing its rectification upon repair. The Recommendation entered into effect on 1 October 2015 and should have been reviewed after two years. Due to other priorities, this did not happen until its first consideration at seventy-second session (February 2020).
2. The full text of the Recommendation is contained in ECE/TRANS/WP.30/AC.2/125, Annex III and in Chapter 4 of the TIR Handbook.

### II. Survey

3. The original survey was launched on 12 February 2020, with a deadline set at 30 March 2020. A reminder was sent on 14 April 2020, with 15 May 2020 as new deadline. The TIR focal points from twenty-four countries replied to the survey.
4. The short survey consisted of two questions:
  - (a) Are you familiar with the recommendation to Annex III? (Yes/No)
  - (b) Do the customs authorities of your country apply the code system of the recommendation when reporting defects in box 10 of the Certificate of Approval? (Yes/No, please elaborate).

### III. Survey results

#### (a) Are you familiar with the recommendations to Annex III?

5. Nineteen countries replied being familiar with the recommendation: Austria; Azerbaijan; Bulgaria; China; Czech Republic; Estonia; Greece; Iran (Islamic Republic of); Latvia; Mongolia; Montenegro; Netherlands; Romania (62 offices yes, 12 offices no); Russian Federation; Serbia; Slovakia; Slovenia; Sweden; Turkey, whereas six reported that this was not the case: Bosnia Herzegovina; North Macedonia; Norway; Portugal; Republic of Moldova; Switzerland.

#### (b) Do the customs authorities of your country apply the code system of the Recommendation when reporting defects in box 10 of the Certificate of Approval?

6. Fifteen countries reported not applying the code system: Bosnia Herzegovina, Bulgaria, China, Czech Republic, Iran (Islamic Republic of), Montenegro, North Macedonia, Norway, Republic of Moldova, Romania, Portugal, Russian Federation, Slovakia, Switzerland, Turkey, citing the following reasons:

Please provide the reasons, why not...

Bosnia Herzegovina: No defect remarks have been identified in practice so far that would require the completion of box 10 of the Certificate of Approval.

Bulgaria: There is no information that the Bulgarian customs authorities applied the coding system when reporting defects in box 10 of the approval certificate, although they were informed of the Recommendation by the letter No 32-171898 от 28.08.2015 г.

China: In China, it is the Automobile Transportation Research Center of the Highway Research Institute of the Ministry of Transport that is responsible for issuing the certificate of approval, not customs. The Research Center has not applied the coding system yet.

Czech Republic: Our customs authorities are familiar with the Recommendation. According to the national survey, no customs office has ever experienced the need to register defects in the Certificate of Approval. At the same time customs officers could not recall seeing the codes filled in by other authorities in the Certificate. Having said that, we think that the code system is a very useful tool

Iran (Islamic Republic of): our customs experts find it difficult in practice and feel more definitions should be added with specific recognitions like a 4 digit code. For example, if a welding point is broken and not repaired or tent has been repaired /stitched, but the result does not cover customs security regulations. Our national practice at this moment is that we write our observations in English or the national language while we rarely find that on a foreign certificate or our certificate, other customs authorities write their observations or use 4-digit code. However, we fully recommend and want to do so accordingly.

Montenegro: The Customs Administration of Montenegro does not apply the coding system of the Recommendation when reporting defects in box 10 of the Certificate of Approval because we use box 10 for descriptive field for defects.

Republic of Moldova: Coding in these cases is very appropriate and important. Usually, customs inspectors make a mark in column 10 in their native language, and subsequently it is difficult to figure out the exact nature of the detected malfunctions.

North-Macedonia: Should we apply the coding system of the Recommendation when reporting defects in box 10 of the Certificate of Approval? Is there new time limit?

Norway: Norway is a country with very few TIR-operations. We also approve very few vehicles and the situation concerning reporting defects in the Certificate of Approval by using the coding system has not been a topic, and as mentioned, we were in addition not familiar with the Recommendation to Annex III.

Romania: 70 customs offices answered no and justified that there were no incidents to use the codes, because the eventual defects they remarked, could be fixed immediately. (For information, 4 customs offices answered yes and gave examples of used codes, such as: 3445, 7324, 4234);

Portugal: The TIR Convention establishes in its Annexes 3 and 4, that the defects detected in the vehicle must be registered, in box 10 of the approval certificate, but do not determine the use of any codes for this purpose;

The use of the TIR regime, at national level, is very low. The use of TIR Carnets has been decreasing, in recent years, presently is null at departure and of very little expression as a destination, a situation that indicates a weak adhesion, by the economic operators, to the TIR regime.

Russian Federation: Along with the provisions of the TIR Convention, the procedure for filling out the Certificate of Approval is regulated by the law of the Eurasian Economic Union (EAEU). The EAEU law does not contain direct instructions on the use of the coding system of the Recommendations to Appendix III.

Slovakia: No, no defect remarks have been identified in practice so far that would require the completion of box 10 of the Certificate of Approval.

Switzerland: The recommendation was not actively disseminated within the administration. We rarely have problem cases. Such cases as described rarely occur.

Turkey: The coding system of the Recommendation is not actively used by customs offices. However, if there is a defect in the load compartment of the vehicles used in the transports carried out under the TIR system, recording these defects with standard codes provides unity

of practice. The coding system positively contributes to the safe delivery of the goods and the correct identification of the defect. Therefore, we think that it will be beneficial to keep it.

7. Ten countries reported positively about their national experience with the Recommendations: Austria, Azerbaijan; Estonia, Greece, Latvia, Mongolia, Netherlands, Serbia, Slovenia, Sweden, as follows:

Austria: Until today, the coding system to report defects in box 10 of the Certificate of Approval was used in a total of 16 cases. The coding system has been very well accepted by our customs officers because, in contrast to previous practice, the documentation of defects in box 10 of the certificate of approval can be carried out simply and clearly. Furthermore, there are no language barriers with this coding system.

Azerbaijan: After the adoption of the recommendation in 2015 by AC.2, the Recommendation and the coding instructions were translated into Azerbaijani and by an Order of the Chairman of the State Customs Committee, the customs offices were instructed to apply the coding system in parallel to handwriting. In addition, recently new rules on introducing an electronic register of the certificates of approval were adopted. According to the new rules, the procedures of approval, application for and issuance of Certificates of Approval are now electronic. The new electronic system also includes the possibility of coding a defect in the register. This approach allows creating a database for defects as well, which can be potentially used during subsequent approval procedures or for customs risk assessment.

Estonia: We apply the coding system of the Recommendation when reporting defects in box 10 of the Certificate of Approval but since 2015 we do not have any cases.

Greece: Greek customs officers and staff are aware of the Recommendation and most of them believe that the code system is facilitating their work. In some customs offices it has already been used, while in others not, as they have not faced such case. There are customs offices which do not deal with TIR formalities, such as customs offices in the islands due to their location. Customs offices of departure when they detect defects in the load compartment of the vehicle usually do not complete box 10 of the approval certificate but request the carrier to repair the defect, otherwise they do not allow the TIR operation to start.

Latvia: The code system (established by a recommendation to Annex III) was incorporated into the National Customs Board's internal acts (instructions for customs officers, non-binding for persons). In accordance with the recommendation, the code system should be used as additional measure. Customs control points reported that there were no problems regarding application of the code system.

Mongolia: The relevant requirements of the TIR Convention are applied to the vehicles of carriers carrying out transportation under the TIR regime under the control of the customs of our country. Within the framework of this recommendation, approved on October 1, 2015, the authorized customs offices and committees shall have the Approval Certificate No. We are working to ensure that the coded notes required in box No. 10 are maintained on a regular basis. However, no cases of leaks or damage have been reported during the inspection of the vehicles of the carriers, and we would like to inform you that we will take the necessary measures in accordance with the above recommendations.

Netherlands: Our TIR inspectors have occasionally noted an indication in box No. 10. They acted on this during the re-inspection of the means of transport. We have included Annex III in our Customs Manual section 14.50.00.

Serbia: The Customs Administration of the Republic of Serbia is familiar with the Recommendation to Annex III, but we have not had any case of reporting defects for the last three years.

Slovenia: We have not detected many defects lately. Nevertheless, we find the coding system very useful.

Sweden: We have a written instruction to the customs offices, but until now there are no reports of defects.

#### **IV. Preliminary considerations by the secretariat**

8. Most countries seem to be familiar with the Recommendation, however do not actively apply the code system, often quoting that there have been no defects noted in recent years. This leads to the question whether the technical status of TIR approved vehicles has thus improved in recent years that vehicles do no longer demonstrate defects, or if customs officers do not consider this aspect of the TIR Convention as a priority or do they lack the technical skills to properly inspect a TIR vehicles for defects? If the latter is the case, more technical training of customs officers might be needed.

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