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Economic Commission for Europe

Administrative Committee for the TIR Convention, 1975

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Item 5 (b) of the provisional agenda

Revision of the Convention:

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

Relationship between the international organization and its member associations

Transmitted by the Government of Romania

In Annex, the secretariat transmits a letter by the Government of Romania.

Annex¹

Romanian's customs administration proposal on the relationship between the international organization and the national guaranteeing associations

I. Legal changes proposed in order to give legal power to the warning mechanism

1. The warning mechanism proposed by TIRExB should be formulated and introduced as a new Explanatory Note for Article 6 paragraph 2, in addition to E.N. 0.6.2 bis-1.
2. In Annex 9, Part I, paragraph 3, a new duty for the national association should be added, as TIRExB proposed in the warning mechanism (The national association informs its competent authorities, without delay, about such a dispute with the international organization and keeps them informed about further developments.)
3. In Annex 9, Part III, paragraph 2, a new duty for the international organization should be added, as TIRExB proposed in the warning mechanism (The international organization informs the TIR Administrative Committee and TIRExB, without delay, together with details of the dispute to avail consideration thereof).
4. In comparison with paragraph 5 from Annex 9, Part III, the decision regarding the termination of the written agreements between the international organization and an association should become effective at the earliest 6 months after the date of termination, in order for the competent authorities and holders to take the proper measures to continue applying the TIR Convention.
5. In addition to the proposals to amend the text of the TIR Convention (1975), it would be useful to insert a recommendation in the text of the TIR Convention and also in the written agreement between the UNECE and the international organization that the reasons of an exclusion of a national guaranteeing association from the membership of the international organization should be related directly to the violation of the responsibilities of the national guaranteeing association against the guarantee system and the functioning of the TIR Convention.

II. For information - the early-warning mechanism drafted by TIRExB:

“The international organization and its member associations, at all times, maintain a cooperative relationship for the effective functioning of the international guarantee system.

In case of circumstances that could run the risk of leading, potentially, to the termination of the relationship between the international organization and an association on the one hand, and the termination of the agreement between the customs authorities and the association on the other hand, all stakeholders are urged to inform each other as well as the TIR Executive Board (TIRExB) well in advance. Notwithstanding the right of all stakeholders to contact TIR governing bodies at any time about issues of their concern:

- The national association informs its competent authorities, without delay, about such a dispute with the international organization and keeps them informed about further developments,
- The international organization informs the TIR Administrative Committee and TIRExB, without delay, together with details of the dispute to avail consideration thereof,
- TIRExB considers the dispute between the international organization and a national association as a priority to facilitate its settlement, when necessary collecting information also from the national association and/or the competent authorities.

TIRExB keeps the TIR Administrative Committee informed about the progress achieved in the settlement of the dispute.”

¹ The text is reproduced as received.