

Príloha
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AMENDMENT PROPOSALS TO THE TIR CONVENTION, 1975
adopted by the
Administrative Committee for the TIR Convention, 1975
on 27 June 1997

Article 6, paragraph 1

Modify paragraph 1 as follows:

"1. Each Contracting Party may authorize associations to issue TIR Carnets, either directly or through corresponding associations, and to act as guarantors, as long as the minimum conditions and requirements, as laid down in Annex 9, Part I, are complied with. The authorization shall be revoked if the minimum conditions and requirements contained in Annex 9, Part I are no longer fulfilled."

Article 6, new paragraphs 3 to 5

Add the following new paragraphs:

"3. An association shall issue TIR Carnets only to persons, whose access to the TIR procedure has not been refused by the competent authorities of Contracting Parties in which the person is resident or established.

4. Authorization for access to the TIR procedure shall be granted only to persons who fulfil the minimum conditions and requirements laid down in Annex 9, Part II to this Convention. Without prejudice to article 38, the authorization shall be revoked if the fulfilment of these criteria is no longer ensured.

5. Authorization for access to the TIR procedure shall be granted according to the procedure laid down in Annex 9, Part II to this Convention."

Article 38, paragraph 2

Modify paragraph 2 as follows:

"2. This exclusion shall be notified within one week to the competent authorities of the Contracting Party on whose territory the person concerned is established or resident, to the association(s) in the country or Customs territory where the offence has been committed and to the TIR Executive Board."

Article 42 bis

Add the following new article:

"The competent authorities, in close cooperation with the associations, shall take all necessary measures to ensure the proper use of TIR Carnets. To this effect they may take appropriate national and interna-

tional control measures. National control measures taken in this context by the competent authorities shall be communicated immediately to the TIR Executive Board which will examine their conformity with the provisions of the Convention. International control measures shall be adopted by the Administrative Committee."

New article 58 bis

Add the following new article 58 bis:

"Article 58 bis

Administrative Committee

An Administrative Committee composed of all the Contracting Parties shall be established. Its composition, functions and rules of procedure are set out in Annex 8."

New article 58 ter

Add the following new article 58 ter:

"Article 58 ter

TIR Executive Board

The Administrative Committee shall establish a TIR Executive Board as a subsidiary body which will, on its behalf, fulfil the tasks entrusted to it by the Convention and by the Committee. Its composition, functions and rules of procedure are set out in Annex 8."

Article 59

Modify the first sentence of article 59, paragraph 2 as follows:

"2. Any proposed amendment to this Convention shall be considered by the Administrative Committee...."

Article 60

Modify the end of the heading "... 6 and 7" to read as follows: "... 6, 7, 8 and 9".

Modify the beginning of the article "1. Any proposed

amendment to Annexes 1, 2, 3, 4, 5, 6 and 7..." to read as follows:

"1. Any proposed amendment to Annexes 1, 2, 3, 4, 5, 6, 7, 8 and 9..."

Annex 6, explanatory note 0.38.2

To be deleted.

Annex 6, new explanatory note 8.13.1-1

Add a new explanatory note to annex 8, article 13, paragraph 1 to read as follows:

"8.13.1-1 Financial arrangements

Following an initial period of two years, the Contracting Parties to the Convention envisaged the operation of the TIR Executive Board and the TIR secretariat to be financed through the Regular Budget of the United Nations. This does not preclude a prolongation of the initial financing arrangement should financing from the United Nations or alternative sources not be forthcoming."

Annex 6, new explanatory note 8.13.1-2

Add a second explanatory note to annex 8, article 13, paragraph 1 to read as follows:

"8.13.1-2 Operation of the TIR Executive Board

The work of the members of the TIR Executive Board will be financed by their respective Governments."

Annex 6, new explanatory note 9.I.1 (a)

Add a new explanatory note to new Annex 9, Part I, paragraph 1 (a) to read as follows:

"9.I.1 (a) Established association

The provisions in annex 9, Part I, paragraph 1 (a) cover organizations involved in the international trade of goods, including chambers of commerce."

Annex 6, new explanatory note 9.II.3

Add a new explanatory note to new Annex 9, Part II, paragraph 3 to read as follows:

"9.II.3 Authorization committee

It is recommended to establish national authorization committees comprising representatives of the competent authorities, national associations and other organizations concerned."

Annex 8

Modify the heading of Annex 8 to read as follows:

"COMPOSITION, FUNCTIONS AND RULES
OF PROCEDURE OF THE ADMINISTRATIVE
COMMITTEE AND THE TIR EXECUTIVE BOARD"

Add a new sub-heading before Annex 8, article 1 to read as follows:

"COMPOSITION, FUNCTIONS AND RULES
OF PROCEDURE OF THE ADMINISTRATIVE
COMMITTEE"

Annex 8, new article 1 bis

Add the following new article 1 bis:

"Annex 8, article 1 bis

1. The Committee shall consider any proposed amendment to the Convention in accordance with article 59, paragraphs 1 and 2.

2. The Committee shall monitor the application of the Convention and shall examine any measure taken by Contracting Parties, associations and international organizations under the Convention and their conformity therewith.

3. The Committee, through the TIR Executive Board, shall supervise and provide support in the application of the Convention at the national and international levels."

Add a new sub-heading before annex 8, new article 9 to read as follows:

"COMPOSITION, FUNCTIONS AND RULES
OF PROCEDURE OF THE TIR EXECUTIVE BOARD"

Annex 8, new articles 9 to 13

Add the following new articles to annex 8:

"Article 9

1. The TIR Executive Board established by the Administrative Committee in accordance with article 58 ter, shall be composed of nine members, each from different Contracting Parties to the Convention. The TIR Secretary will attend the sessions of the Board.

2. The members of the TIR Executive Board shall be elected by the Administrative Committee by a majority of those present and voting. The term of office of each member of the TIR Executive Board shall be two years. The members of the TIR Executive Board may be re-elected. The Terms of Reference for the TIR Executive board shall be established by the Administrative Committee.

Article 10

The TIR Executive Board shall:

- (a) supervise the application of the Convention, including the operation of the guarantee system, and fulfil the functions entrusted to it by the Administrative Committee;
- (b) supervise the centralized printing and distribution to the associations of TIR Carnets which may be performed by an agreed international organization as referred to in article 6;
- (c) coordinate and foster the exchange of intelligence and other information among competent authorities of Contracting Parties;
- (d) coordinate and foster the exchange of information between competent authorities of Contracting Parties, associations and international organizations;
- (e) facilitate the settlement of disputes between Contracting Parties, associations, insurance companies and international organizations without prejudice to article 57 on the settlement of disputes;

- (f) support the training of personnel of Customs authorities and other interested parties concerned with the TIR procedure;
- (g) maintain a central record for the dissemination to Contracting Parties of information to be provided by the international organizations as referred to in article 6, on all rules and procedures prescribed for the issue of TIR Carnets by associations, as far as they relate to the minimum conditions and requirements laid down in annex 9;
- (h) monitor the price of TIR Carnets.

Article 11

1. A session of the Board shall be convened by the TIR Secretary at the request of the Administrative Committee or by at least three members of the Board.

2. The Board shall strive to take decisions by consensus. If to consensus can be reached, decisions shall be put to vote and shall be taken by a majority of those present and voting. A quorum of five members is required for the purposes of taking decisions. The TIR Secretary shall have no vote.

3. The Board shall elect a Chairman and shall adopt any additional rules of procedure.

4. The Board shall report on its activities, including the submission of audited accounts, to the Administrative Committee at least once a year or at the request of the Administrative Committee. The Board will be represented in the Administrative Committee by its Chairman.

5. The Board shall consider any information and queries transmitted to it by the Administrative Committee, Contracting Parties, the TIR Secretary, national associations and international organizations referred to in article 6 of the Convention. These international organizations shall have the right to attend the sessions of the TIR Executive Board as observers unless its Chairman decides otherwise. If necessary, any other organization may attend the sessions of the Board as observer at the invitation of the Chairman.

Article 12

The TIR Secretary shall be a member of the secretariat of the United Nations Economic Commission for Europe and shall execute the decisions of the TIR Executive Board within the Terms of Reference of the Board. The TIR Secretary will be assisted by a TIR secretariat, the size of which shall be determined by the Administrative Committee.

Article 13

1. The operation of the TIR Executive Board and the TIR Secretariat shall be financed, until such time as alternative sources of funding are obtained, through a levy on each TIR Carnet distributed by the international organization as referred to in article 6.

2. The amount of the levy and the procedure for its

collection shall be determined by the Administrative Committee following consultations with the international organization as referred to in article 6. Any proposed changes to the levy shall be authorized by the Administrative Committee."

New Annex 9

Add the following new annex 9 to the Convention:

"Annex 9

ACCESS TO THE TIR PROCEDURE

Part I

AUTHORIZATION FOR ASSOCIATIONS TO ISSUE TIR CARNETS

Minimum conditions and requirements

1. The minimum conditions and requirements to be complied with by associations in order to be authorized by Contracting Parties to issue TIR Carnets and act as guarantor in accordance with article 6 of the Convention are:

- (a) Proven existence for at least one year as an established association representing the interests of the transport sector.
- (b) Proof of sound financial standing and organizational capabilities enabling it to fulfil its obligations under the Convention.
- (c) Proven knowledge of its staff in the proper application of the Convention.
- (d) Absence of serious or repeated offences against Customs or tax legislation.
- (e) Establishment of a written agreement or any other legal instrument between the association and the competent authorities of the Contracting Party in which it is established. A certified copy of the written agreement or any other legal instrument together, if necessary, with a certified translation into English, French or Russian, shall be deposited with the TIR Executive Board. Any changes to the written agreement or any other legal instrument shall be immediately brought to the attention of the TIR Executive Board.
- (f) An undertaking in the written agreement or any other legal instrument under (e), that the association:
 - (i) shall comply with the obligations laid down in article 8 of the Convention;
 - (ii) shall accept the maximum sum per TIR Carnet determined by the Contracting Party which may be claimed from the association in accordance with article 8, paragraph 3 of the Convention;
 - (iii) shall verify continuously and, in particular, before requesting authorization for access of persons to the TIR procedure, the fulfilment of the minimum conditions and requirements by such persons as laid down in Part II of this annex;
 - (iv) shall provide its guarantee for all liabilities incurred in the country in which it is established in connection with operations under cover of TIR Carnets issued by itself and by foreign

associations affiliated to the same international organization as that to which it is itself affiliated;

- (v) shall cover its liabilities to the satisfaction of the competent authorities of the Contracting Parties in which it is established with an insurance company, pool of insurers or financial institution. The insurance or financial guarantee contract(s) shall cover the totality of its liabilities in connection with operations under cover of TIR Carnets issued by itself and by foreign associations affiliated to the same international organization as that to which it is itself affiliated. The time to give notice for the termination of the insurance or financial guarantee contract(s) shall be not less than the time to give notice for the termination of the written agreement or any other legal instrument under (e). A certified copy of the insurance or financial guarantee contract(s) as well as all subsequent modifications thereto shall be deposited with the TIR Executive Board, including a certified translation, if necessary, into English, French or Russian;
- (vi) shall allow the competent authorities to verify all records and accounts kept relating to the administration of the TIR procedure;
- (vii) shall accept a procedure for settling efficiently disputes arising from the improper or fraudulent use of TIR Carnets;
- (viii) shall agree that any serious or repeated non-compliance with the present minimum conditions and requirements shall lead to the authorization to issue TIR Carnets being revoked;
- (ix) shall comply strictly with the decisions of the competent authorities of the Contracting Party in which it is established concerning the exclusion of persons in line with article 38 of the Convention and Part II of this annex;
- (x) shall agree to implement faithfully all decisions adopted by the Administrative Committee and the TIR Executive Board in as much as the competent authorities of Contracting Parties in which the association is established have accepted them.

2. Contracting Parties in which the association is established shall revoke the authorization to issue TIR Carnets in case of serious or repeated non-compliance with these minimum conditions and requirements.

3. Authorization of an association under the terms set out above shall be without prejudice to that association's responsibilities and liabilities under the Convention.

4. The minimum conditions and requirements laid down below are without prejudice to additional conditions and requirements Contracting Parties may wish to prescribe.

Part II

AUTHORIZATION FOR NATURAL AND LEGAL PERSONS TO UTILIZE TIR CARNETS

Minimum conditions and requirements

1. The minimum conditions and requirements to be

complied with by persons wishing to have access to the TIR procedure are:

- (a) Proven experience or, at least, capability to engage in regular international transport (holder of a licence for carrying out international transport, etc.);
- (b) Sound financial standing.
- (c) Proven knowledge in the application of the TIR Convention.
- (d) Absence of serious or repeated offences against Customs or tax legislation.
- (e) An undertaking in a written declaration of commitment to the association that the person:
 - (i) will comply with all Customs formalities required under the Convention at the Customs offices of departure, en route and of destination;
 - (ii) will pay the sums due, mentioned in article 8, paragraphs 1 and 2 of the Convention, if requested to do so by the competent authorities in line with article 8, paragraph 7 of the Convention;
 - (iii) will, as far as national legislation permits, allow associations to verify information on the above minimum conditions and requirements.

2. Additional and more restrictive conditions and requirements for access to the TIR procedure may be introduced by the competent authorities of Contracting Parties and by the associations themselves unless the competent authorities decide otherwise.

Procedure

3. Contracting Parties will decide, in line with national legislation, the procedures to be followed for access to the TIR procedure on the basis of the minimum conditions and requirements set forth in paragraphs 1 and 2.

4. The competent authorities shall transmit within one week from the date of authorization or withdrawal of authorization to use TIR Carnets, the particulars of each person to the TIR Executive Board in conformity with the specimen authorization attached (MAF).

5. The association shall transmit annually an updated list as per 31 December of all authorized persons as well as of persons whose authorization has been withdrawn. This list shall be transmitted one week following the 31 December to the competent authorities. The competent authorities shall forward a copy thereof to the TIR Executive Board.

6. The authorization for access to the TIR procedure does not constitute in itself a right to obtain TIR Carnets from the associations.

7. Authorization of a person to utilize TIR Carnets under the minimum conditions and requirements set out above, shall be without prejudice to that person's responsibilities and liabilities under the Convention.

MODEL AUTHORIZATION FORM (MAF)

Country:

Name of association:

Competent authority:

| To be completed by national associations and/or authorities | | | | | | | | |
|---|------------------------------|------------------|--|---|--|--------------------------|--|-----------------|
| ID number | Name of person(s) enterprise | Business address | Contact point and access number (Tel, fax and E-mail number) | Business registration or licence number, etc.*) | Earlier withdrawal of authorization**) | Date of authorization**) | Date of withdrawal of authorization**) | Stamp signature |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

*) if available

**) if appropriate

For each person for which a request for authorization is transmitted by the approved association, the following information shall, at least, be provided to the competent authorities:

- Individual and unique identification (ID) number assigned to the person by the guaranteeing association (in cooperation with the international organization to which it is affiliated).
- Name(s) and address(es) of the person(s) or enterprise (in case of a business association, also the names of responsible managers).
- Contact point (natural person authorized to provide information on the TIR operation to Customs authorities and associations with complete telephone, fax and E-mail numbers).
- Commercial registration No. or international transport licence No. or other (if available).
- (if applicable) Earlier withdrawal of authorization, including dates, length and nature of withdrawal of authorization."