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MANUAL FOR THE APPLICATION OF THE TIR CONVENTION



ECLA



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APPLICATION
OF THE TIR CONVENTION



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FOREWARD

The TIR Convention is an agreement on customs transit, which makes it possible to co-ordinate action by Customs offices of signatory countries to facilitate the operational and documental aspects of the transit of goods in road transport vehicles or containers.

In order for the Convention fully to attain its objectives, it is essential for the Customs offices of signatory countries permanently maintain an attitude of trust and effective co-operation in all aspects relating to its implementation.

This Manual has been prepared by ECLA as a contribution to an initiative which began with the Meeting of Ministers of Public Works and Transport of the Southern Cone countries, to secure application of the 1975 TIR Convention in their countries. Its preparation has been made possible by a generous contribution from the Government of The Netherlands.

The Manual constitutes a compilation of the provisions of the Convention to which have been added the relevant explanatory notes, the whole being presented in four chapters containing the procedures prior to application of the Convention, those relating to the application proper, the routine procedures for each TIR operation, and the aspects connected with the general administration of the Convention; and finally, chapters 5 and 6 contain the complete text of the 1975 TIR Convention and the amendments to that Convention adopted to date. It is hoped that this presentation will help to make the various provisions of the Convention more clearly understood, and that it may also be of use to countries for the purposes of their internal regulations, as well as for the training of Customs and transport personnel.

ECLA wishes to stress the invaluable collaboration received from the International Road Transport Union (IRU), particularly with regard to its useful contribution of material. Special mention must also be made of the co-operation extended by the United Nations Economic Commission for Europe (ECE), the Commission of the European Communities (CEC), the Customs Co-operation Council (CCC), the Minister of Finance of The Netherlands, the Minister of Finance of the Federal Republic of Germany, the Administrative Committee of the TIR Convention of

Yugoslavia, the Dirección General de Aduanas e Impuestos Especiales of Spain, the Direction Generale de Douanes of France, the Department of Customs and Excise of the United Kingdom, the Central Customs Authorities of the Federal Republic of Germany, France, Spain and Switzerland, the Association Francaise des Transporteurs Routier

Internationaux (AFTRI), and the Asociacion de Transporte Internacional por Carretera (ASTIC) of Spain. Important contributions have also been received from many persons familiar with international transport operations in Europe and Latin America, whom it is not possible to list.

Chapter 1

PROCEDURES PRIOR TO APPLICATION OF THE TIR CONVENTION.

1. This chapter describes the legal procedures which have to be carried out by the competent authorities of each country before the TIR Convention is applied.

A. Signature, ratification, acceptance, approval and accession

2. Under the terms of this convention, all States members of the United Nations or members of any of its specialized agencies or of the International Atomic Energy Agency or parties to the Statute of the International Court of Justice, and any other State invited by the General Assembly of the United Nations, may become Contracting Parties to the TIR Convention (chapter 5, Article 52, Paragraph 1):

- (a) by signing it without reservation of ratification, acceptance or approval,
- (b) by depositing an instrument of ratification, acceptance or approval after signing it subject to ratification, acceptance or approval, or
- (c) by depositing an instrument of accession.

3. Customs or economic unions may, together with all their member States that are Contracting Parties to the Convention, also become Contracting Parties to it. However, these unions shall not have the right to vote. (chapter 5, article 52, paragraph 3).

4. The period during which the Convention was open for signature by States expired on 31 December 1976, so that today it is possible to become a party to the Convention only by accession. To that end, each country must execute the legal procedures for acceptance of the Convention as national law and then deposit the instrument of accession with the Secretary-General of the United Nations (chapter 5, article 52, paragraph 2). In annex 1 a model is given for a message from the Executive Authority to the legislature to initiate legal formalities for accession.

5. Any State may, at the time of signing, ratifying or acceding to the Convention, declare that it does not consider itself bound to accept the intervention of the arbitration tribunal in case of a dispute. Other Contracting Parties shall not be bound to accept the said arbitration tribunal in its relations with any Contracting Party which has entered such a reservation (chapter 5, article 58, paragraph 1).

6. Any Contracting Party having entered a reservation as provided for in paragraph 5, may at any time withdraw such reservation by notifying the Secretary-General of the United Nations (chapter 5, article 58, paragraph 2).

7. Apart from the reservations provided for in paragraph 5, no reservation to the Convention shall be permitted (chapter 5, article 58, paragraph 3).

B. Delegation of responsibility to the customs authorities

8. The government of a Contracting Party shall delegate to the central Customs authority the task of dealing with the Customs aspects of the TIR System. To that end, it shall facilitate understanding of the Convention as well as its application and routine operations. Lastly, it shall delegate to that authority the necessary powers to act in its name.

C. Technical inspection of vehicles

9. By virtue of the above mentioned delegation. The Customs authority that must deal with the technical inspection and approval of vehicles, trailers, semi-trailers and containers for use in transport under the TIR procedure, shall facilitate understanding of the Convention, as well as its practical application in connexion with all matters related to technical inspection, and, lastly, shall delegate the necessary powers for issue of required certifications by the authority appointed. The tasks of technical inspection, approval and certification are normally entrusted to commissions that operate under the direction of a Customs administrator and with the participation of an engineer or technician from an appropriate State service and of a representative of the national guaranteeing association, as advisor.

D. Constitution of a national guaranteeing association

10. The term "guaranteeing association" means an association approved by the Custom authority of a Contracting Party to act as surety for persons using the TIR procedure (chapter 5, article 1, paragraph 1).

11. Carriers engaged in international transport of goods can, either jointly or availing themselves of an existing carriers' association, create an association, or adapt an existing one, to act as guarantor for international transport operations performed under cover of TIR carnets, for the Customs authority of the country concerned. However, national guaranteeing associations do not necessarily need to be formed by carriers. In some countries, for example, they have been constituted by chambers of commerce, and in others by a national automobile club, etc.

12. Once the national guaranteeing association has been constituted, it shall carry out the procedures indicated in paragraph 13 to 17.

1. Surety bond with an insurance company, bank or financial institution

13. The national guaranteeing association shall obtain a surety bond with an insurance company, bank or financial institution established in the country, which will act as surety between it and the central Customs authority.

14. Based upon the surety bond between the insurance company, bank or financial institution and the national guaranteeing association, the former shall draw up a contract whereby it makes itself responsible to the Customs administration for operations carried out in the country under cover of TIR carnets issued by the national guaranteeing association or by other organizations that are members of the international guaranteeing association.

15. Annex 2 contains a model surety bond prepared by the international guaranteeing association IRU for the members of that guarantee system.

2. Deed of engagement with the international guaranteeing association

16. The national guaranteeing association shall sign an engagement with the international guaranteeing association to become part of the international guaranteeing system created by that international association, with a view to regulating their reciprocal rights and duties under the TIR régime.

17. A model deed of engagement prepared by the international guaranteeing association IRU is presented in annex 3.

E. The customs authorities and the national guaranteeing association

18. Subject to such conditions and guarantees as it shall determine, each Contracting Party may authorize associations to issue TIR carnets, either directly or through corresponding associations, and to act as guarantors (chapter 5, article 6, paragraph 1).

19. An association shall not be approved in any country unless its guarantee also covers the liabilities incurred in that country in connexion with operations under cover of TIR carnets issued by foreign associations affiliated to the same international organization as that to which it is itself affiliated (chapter 5, article 6, paragraph 2).

20. Under the provisions of paragraph 19, the Customs authority of a country may approve more than one association, each of which assumes responsibility for discharge of liabilities arising from the carnets issued by it or by its corresponding associations (chapter 5, annex 6, article 6, paragraph 2).

21. Each Contracting Party shall provide the guaranteeing associations concerned with facilities for (chapter 5, article 44):

- (a) the transfer of currency necessary for the sums claimed by authorities of the Contracting Parties by virtue of the provisions of paragraph 24 to 30.
- (b) the transfer of currency for payment of TIR carnet forms sent to guaranteeing associations by corresponding foreign associations or by the international organization.

1. Agreement

22. The Customs authority and the national guaranteeing association shall sign an agreement regulating the relations between the two parties with regard to the application of the TIR Convention. At the time of signing this agreement, the national guaranteeing association shall provide verification of its incorporation into the guarantee system of the international guaranteeing association and the surety of the insurance company, bank or financial institution in order to guarantee to Customs authorities the credits extended to persons importing, exporting or carrying goods in transit under cover of a TIR carnet issued by the association itself or by another organization affiliated with the same guarantee system.

23. A model agreement prepared by the international guaranteeing association IRU is presented in annex 4.

2. Deed of guarantee

24. The national guaranteeing association shall also sign a deed of guarantee with the Customs authority in which it undertakes to pay the import or export duties and taxes, together with any default interest, due under the Customs laws and regulations of the country in which an irregularity has been noted in connexion with a TIR operation. It shall be liable, jointly and severally with the persons from whom the sums mentioned above are due, for payment of such sums (chapter 5, article 8, paragraph 1).

25. In cases where the laws and regulations of a country which is a Contracting Party do not provide for payment of import or export duties and taxes as provided for in paragraph 24, the guaranteeing association shall undertake to pay, under the same conditions, a sum equal to the amount of the import or export duties and taxes and any default interest (chapter 5, article 8, paragraph 2).

26. Each Contracting Party shall determine the maximum sum per TIR carnet, which may be claimed from the guaranteeing association on the basis of the provisions of paragraphs 24 and 25. Bearing in mind that this amount will be charged against the cost of the guarantees to be given by the national guaranteeing association, and in consequence of the cost of the operations of its affiliates, the Convention recommends that this quantity should not exceed US\$ 50 000 per TIR carnet or the equivalent in the currency of its country (chapter 5, article 8, paragraph 3 and chapter 5, annex 6, article 8, paragraph 3).

27. The liability of the guaranteeing association to the authorities of the country where the Customs office of departure is situated shall commence at the time when the TIR carnet is accepted by the Customs office. In the succeeding countries through which goods are transported under the TIR procedure, this liability shall commence at the time when the goods enter into their territory. Where the TIR operation has been suspended under article 26, paragraphs 203 and 204, the liability shall commence at the time when the TIR carnet is accepted by the Customs office where the TIR operation is resumed (chapter 5, article 8, paragraph 4).

28. The liability of the guaranteeing association shall cover not only the goods which are enumerated in the TIR carnet but also any goods which, though not enumerated therein, may be contained in the sealed section of the road vehicle or in the sealed container. It shall not extend to any other goods (chapter 5, article 8, paragraph 5).

29. For the purpose of determining the duties and taxes mentioned in paragraphs 24 and 25, the particulars of the goods as entered in the TIR carnet shall, in the absence of evidence to the contrary, be assumed to be correct (chapter 5, article 8, paragraph 6).

30. When payment of sums mentioned in paragraphs 24 and 25 becomes due, the competent authorities shall so far as possible require payment from the person or persons directly liable before making a claim against the guaranteeing association (chapter 5, article 8, paragraph 7).

31. The Customs authorities shall approve the deed of guarantee signed by the national guaranteeing association.

32. A model deed of guarantee prepared by the international guaranteeing association IRU is presented in annex 5.

33. When the agreement and the deed of guarantee have been signed by the guaranteeing association to the complete satisfaction of the Customs authority, the latter may authorize the initiation of TIR operations, provided that the measures for application of the TIR procedure have been completed in their entirety.

Chapter 2

OPERATIONS FOR APPLICATION OF THE TIR PROCEDURE

34. Under this heading are included all those operations that must be performed after those described in chapter 1, and before international transport under the TIR procedure can be started.

35. The operations described in this chapter may be modified or updated, in the course of time, by the competent authorities in each country. Such modifications shall be introduced, essentially, with a view to facilitating international transport under the TIR procedure.

I. THE CUSTOMS AUTHORITIES

36. The Customs authorities shall perform the operations listed in sections A, B, C and D below:

A. Regulate the application of the TIR Convention

37. In regulating the internal application of the provisions of the TIR Convention each Customs authority shall take into account its own regulations and procedures and the need to ensure that its officials have a precise understanding of the scope of the provisions of the Convention and their relation to other procedures applied in the country. In particular, in regulating the Convention, the Customs authorities shall bear in mind the aspects indicated below.

38. This Convention shall apply to the transport of goods without intermediate reloading, in road vehicles, combinations of vehicles or in containers, across one or more frontiers between a Customs office of departure of one Contracting Party and a Customs office of destination of another or of the same Contracting Party, provided that some portion of the journey between the beginning and the end of the TIR operation is made by road (chapter 5, article 2).

39. Paragraph 38 provides that a transport operation under cover of a TIR carnet may begin and end in the same country on condition that part of the journey is performed in foreign territory. In such cases there is nothing to

prevent the Customs authority of the country of departure from requiring, in addition to the TIR carnet, a national document, intended to ensure duty-free reimportation of the goods. It is nevertheless recommended that Customs authorities should not insist on the use of such a document but accept instead an appropriate endorsement on the TIR carnet (chapter 5, annex 6, article 2, paragraph 1).

40. The provisions of paragraphs 38 and 39, allowing goods to be carried under cover of a TIR carnet although only part of the journey is made by road, do not specify what part of the journey is made by road, and it is sufficient that this should occur at some point between the beginning and the end of the TIR operation. However, it may happen that, for unforeseen reasons of a commercial or accidental nature, no part of the journey can be made by road, despite the intentions of the sender at the start of the journey. In these exceptional cases Contracting Parties shall nevertheless accept the TIR carnet and the liability of guaranteeing associations shall remain in force (chapter 5, annex 6, article 2, paragraph 2).

41. For the provisions of this Convention to become applicable (chapter 5, article 3):

(a) the transport operations must be performed

(i) by means of road vehicles, combinations of vehicles or containers previously approved under the conditions set forth for the transport of goods under TIR carnet; or

(ii) by means of other road vehicles, other combinations of vehicles or other containers under the conditions set forth for the transport of heavy or bulky goods;

(b) the transport operations must be guaranteed by associations approved in accordance with the provisions of the Convention and must be performed under cover of a TIR carnet, which shall conform to the model reproduced in annex 1 to the Convention.

42. No special customs document shall be required in respect of the temporary importation of a road vehicle, combination of vehicles or container carrying goods under cover of the TIR procedure. No guarantee shall be required for the road vehicle or combination of vehicles or container (chapter 5, article 15, paragraph 1).

43. The provisions of paragraph 42 shall not prevent each Contracting Party from requiring fulfilment at the Customs office of destination of the formalities laid down by its national regulations to ensure that, once the TIR operation has been completed, the road vehicle, the combination of vehicles or the container will be re-exported (chapter 5, article 15, paragraph 2).

44. Certain difficulties may arise in the case of vehicles not subject to registration, such as trailers or semi-trailers, in certain countries, when Customs documents are not required for temporary admission. In that case, the provisions of paragraph 42 and 43 may be observed, while assuring adequate protection for the Customs authorities, by recording particulars of these vehicles (make and numbers) on vouchers 1 and 2 of the TIR carnet used by the countries concerned and on the corresponding counterfoils (chapter 5, annex 6, article 15).

45. Goods carried under the TIR procedure shall be exempt from payment or deposit of import or export duties and taxes at Customs offices en route (chapter 5, article 4).

46. Similarly, goods carried under the TIR procedure in sealed road vehicles, combinations of vehicles or containers shall not as a general rule be subjected to examination at Customs offices en route. However, to prevent abuses, Customs authorities may in exceptional cases, and particularly when irregularity is suspected, carry out an examination of the goods at such offices (chapter 5, article 5).

47. The provisions of paragraph 46 do not exclude the right to carry out spot checks on the goods but stress that these checks should be very limited in number. The international TIR carnet procedure, in fact, provides protection greater than that given by national procedures. Firstly, the particulars on the TIR carnet relating to the goods must agree with the particulars given on the Customs documents which may be required in the country of departure. In addition, the countries of transit and destination are given protection by the controls which are carried out at departure and which are certified by the Customs authorities at the office of departure (chapter 5, annex 6, article 5).

B. Approved custom offices of departure
en route and of destination

48. Each Contracting Party shall cause to be published the list of the Customs offices of departure, Customs offices en route and Customs offices of destination approved by it for accomplishing TIR operations. The Contracting Parties

of adjacent territories shall consult each other to agree upon corresponding frontier offices and upon their hours of operation (chapter 5, article 45).

49. Contracting Parties are recommended to make the largest possible number of Customs offices, both inland and at the frontier, available for dealing with TIR operations (chapter 5, annex 6, article 45).

C. Establishment, if so desired, of routes and time-limits for journeys

50. For journeys in the territory of its country. A Customs authority may fix a time-limit and require the road vehicle, the combination of vehicles or the container to follow a prescribed route (chapter 5, article 20).

51. When fixing time-limits for the transport of goods within its territory, the Customs authority must likewise take into account inter alia any special regulations to which carriers are subject, particularly regulations concerning working hours and mandatory rest periods for drivers of road vehicles (chapter 5, annex 6, article 20).

52. To avoid the imposition of needless and unnecessary restrictions, it is recommended that these authorities should exercise their right to prescribe a route only when they consider it essential.

D. Training of personnel for approved customs offices

53. The Customs authorities shall train personnel of approved Customs offices so that the latter, once the regulations and pertinent procedures are familiar, may expedite the necessary operations to the greatest possible extent.

II. TECHNICAL INSPECTION AUTHORITIES AND CARRIERS

54. The national authorities which the government has designated to perform these functions shall prepare the necessary regulations for the inspection and certification of vehicles, trailers, semi-trailers and containers.

55. These regulations shall be published, so that not only carriers but also manufacturers of vehicles, trailers, semi-trailers and containers may be fully informed of them.

56. The Contracting Parties shall communicate to one another, on request, to provide each other with information necessary for implementing the provisions relating to the approval of road vehicles and containers and to the technical characteristics of their design (chapter 5, article 50).

57. Road transport vehicles registered in a given country, or unregistered vehicles whose owner or user is resident in that country, shall be presented every two years to the competent authorities of the country, for purposes of inspection and renewal of approval where appropriate (chapter 5, annex 3, paragraph 4).

58. Every road vehicle, trailer, semi-trailer and container must be constructed and equipped in conformity with the conditions laid down in paragraphs 85 to 122 and 142 to 160 and must be approved in accordance with the procedure established in paragraphs 60 to 84 and 123 to 141. Containers approved for the international transport of goods under Customs seal in accordance with the Customs Convention on Containers, 1956 and that of 1972 must be accepted for transport under the TIR procedure without further approval (chapter 5, article 12 and article 13).

59. Indicated below are all the procedures necessary to obtain approval of vehicles, trailers, semi-trailers and containers, as well as the technical conditions that they must fulfil, so that they can be used for international transport of goods under the TIR procedure. Since the approval procedures and technical conditions for vehicles, trailers and semi-trailers are different from those for containers, the latter are dealt with separately.

A. Procedures for approval of vehicles
(Chapter 5, annex 3 and chapter 5,
annex 3 in annex 6)

60. Road transport vehicles may be approved individually or by design type (series of road transport vehicles).

61. An approval certificate conforming to the standard form presented in chapter 5, annex 4 shall be issued for approved vehicles. This certificate shall be printed in the language of the country of issue and in French or English. When the authority which has granted the approval deems it necessary, photographs or diagrams approved by that authority shall be attached to the certificate. The number

of those documents shall then be inserted by that authority under box No. 6 of the approval certificate.

62. The approval certificate shall be kept on the road transport vehicle.

63. Road transport vehicles shall be presented every two years, for the purposes of inspection and of renewal of approval where appropriate, to the competent authorities of the country in which the vehicle is registered or, in the case of unregistered vehicles, of the country in which the owner or user is resident.

64. If a road transport vehicle no longer complies with the technical conditions prescribed for its approval, it shall, before it can be used for the transport of goods under cover of TIR carnets, be restored to the condition which had justified its approval so as to comply again with the said technical conditions.

65. If the essential characteristics of a road transport vehicle are changed, the vehicle shall cease to be covered by the approval and shall be reapproved by the competent authority before it can be used for the transport of goods under cover of TIR carnets.

66. The competent authorities of the country of registration of the vehicle or, in the case of vehicles for which registration is not required, the competent authorities of the country where the owner or user of the vehicle is established may, as the case may be, withdraw or renew the approval certificate or issue a new approval certificate in the circumstances set out in paragraphs 63, 64, 65, 189 and 190.

1. Individual approval

67. The owner, the operator or the representative of either shall apply to the competent authority for individual approval. The competent authority shall inspect the road transport vehicle presented in accordance with the general rules laid down in paragraphs 60 to 66 above and after satisfying itself that the vehicle complies with the technical conditions prescribed in paragraphs 85 to 122, shall issued a certificate conforming to the model reproduced in chapter 5, annex 4.

2. Approval by design type

68. Where road transport vehicles are manufactured by type series, the manufacturer may apply to the competent authority of the country of manufacture for approval by design-type.

69. The manufacturer shall state in his application the identification numbers or letters which he assigns to the type of road transport vehicle to which his application for approval relates.

70. The application shall be accompanied by drawings and a detailed design specification of the type of road transport vehicle to be approved.

71. The manufacturer shall give an undertaking in writing that he will:

- (a) present to the competent authority such vehicles of the type concerned as that authority may wish to examine;
- (b) permit the competent authority to examine further units at any time during the production of the type series concerned;
- (c) advise the competent authority of any change, however small, in the design or specification before proceeding with such change;
- (d) mark the road transport vehicles in a visible place with the identification numbers or letters of the design-type and the serial number of the vehicle in the type series (manufacturer's number);
- (e) keep a record of vehicles manufactured to the approved design-type.

72. The competent authority shall state what changes, if any, must be made to the proposed design-type in order that approval may be granted.

73. No approval by design-type shall be granted unless the competent authority has satisfied itself by examination of one or more vehicles manufactured to the design-type concerned that such vehicles comply with the technical conditions prescribed in paragraphs 85 to 122.

74. The competent authority shall notify the manufacturer in writing of its decision to grant approval of the design-type concerned. This decision shall be dated and

numbered, and shall clearly designate the authority which granted the approval.

75. The competent authority shall take the necessary steps to issue an approval certificate, which it has duly signed, in respect of every vehicle built in conformity with an approved design-type.

76. The holder of the approval certificate shall, before using the vehicle for the carriage of goods under the cover of a TIR carnet, fill in, as may be required, on the approval certificate:

- (a) the registration number given to the vehicle (box 1) or,
- (b) in the case of a vehicle not subject to registration, particulars of his name and business address (box 8)

77. When a vehicle which has been approved by design-type is exported to another country which is a Contracting Party to this Convention, no further approval procedure shall be required in that country on account of its importation.

78. The competent authorities of a Contracting Party may issue a certificate of approval in respect of a vehicle constructed within its territory, and no additional approval procedures shall be applied in respect of such a vehicle in the country where it is subsequently registered or, as the case may be, where the owner is resident.

79. These provisions are not intended to restrict the right of the competent authorities of the Contracting Party where the vehicle is registered or where the owner is resident to require the production of such a certificate of approval either at importation or subsequently for purposes connected with the registration or control of the vehicle or with similar legal requirements.

3. Endorsement of the certificate of approval

80. When an approved vehicle, carrying goods under cover of a TIR carnet, is found to have major defects, the competent authorities of Contracting Parties may either refuse to allow the vehicle to continue its journey under a TIR carnet, or allow the vehicle to continue its journey under a TIR carnet in its territory while taking the necessary security precautions. The approved vehicle must be restored to a satisfactory state as rapidly as possible, and in any case before it is again used for the transport of goods under cover of a TIR carnet.

81. In each of these cases the Customs authorities shall make an appropriate endorsement in box 10 of the certificate of approval of the vehicle. When the vehicle has been restored to a condition which justifies approval, it shall be presented to the competent authorities of a Contracting Party who shall revalidate the certificate by entering the words "defects corrected" in box 11, provided for that purpose, together with the name, signature and stamp of the competent authority concerned.

82. No vehicle, the certificate of which has been endorsed in box 10 under the provisions of paragraph 81 may again be used for the transport of goods under a TIR carnet until it has been restored to a satisfactory condition and until the endorsement in box 10 has been cancelled as stated above.

83. Each endorsement made on the certificate shall be dated and authenticated by the Customs authorities.

84. When a vehicle is found to have defects which the Customs authorities consider to be of minor importance and not involving the risk of smuggling, the continued use of the vehicle for the transport of goods under cover of a TIR carnet can be authorized. The holder of the approval certificate shall be notified of the defects and shall restore his vehicle to a satisfactory state within a reasonable time.

4. Technical conditions for road transport vehicles
(chapter 5, annex 2 and chapter 5, annex 2 in annex 6)

(a) Basic principles

85. Approval for the international transport of goods under Customs seal may be granted only to vehicles, the load compartments of which are constructed and equipped in such a manner that:

- (a) no goods can be removed from, or introduced into, the sealed part of the vehicle without leaving obvious traces of tampering or without breaking the Customs seal;

- (b) Customs seals can be simply and effectively affixed to them;
- (c) they contain no concealed spaces where goods may be hidden;
- (d) all spaces capable of holding goods are readily accessible for Customs inspection.

(b) Structure of load compartments

86. To meet the requirements of paragraph 85, load compartments must have the construction characteristics detailed in paragraphs 87 to 104.

87. The constituent parts of the load compartment (sides, floor, doors, roof, uprights, frames, cross-pieces, etc.) shall be assembled either by means of devices which cannot be removed and replaced from the outside without leaving obvious traces or by such methods as will produce a structure which cannot be modified without leaving obvious traces. When the sides, floor, doors and roof are made up of various components, these shall meet the same requirements and be of sufficient strength;

88. Where joining devices (rivets, screws, bolts and nuts, etc.) are used, a sufficient number of such devices shall be inserted from outside, traverse the assembled constituent parts, protrude inside and there be firmly secured (e.g. riveted, welded, bushed or bolted and riveted or welded on the nut). However, conventional rivets (i.e. rivets whose placing requires handling from both sides of the assembly of constituent parts) may also be inserted from the inside.

89. Notwithstanding the above, load compartment floors may be secured by means of self-tapping screws, self-drilling rivets or rivets inserted by means of an explosive charge or pins introduced pneumatically, when placed from inside and passing at right-angles through the floor and the metallic cross-pieces underneath, on condition, except in the case of self-tapping screws, that some of their ends be flush with the level of the outside part of the cross-piece or be welded onto it (chapter 6, amendment 3).

90. The competent authority shall determine what joining devices, and how many of them, must fulfil the requirements of paragraph 88; they shall do so by making sure that the constituent parts so assembled cannot be removed and replaced without leaving obvious traces. The choice and placing of other joining devices are not subject to any restriction.

91. Joining devices which can be removed and replaced from one side without leaving obvious traces, i.e. without requiring handling from both sides of the constituent parts to be assembled, shall not be allowed under the stipulation of paragraphs 88 and 89. Examples of such devices are expansion rivets, blind rivets and the like.

92. The assembly methods described above shall apply to special vehicles, for example to insulated vehicles, refrigerated vehicles and tank-vehicles in so far as they are not incompatible with the technical requirements which such vehicles must fulfil having regard to their use. Where, due to technical reasons, it is not practicable to secure parts in the manner described in paragraphs 88 and 89, the constituent parts may be joined by means of the devices mentioned in paragraph 91, provided that the devices used on the inner face of the wall are not accessible from the outside.

93. Doors and all other closing systems (including stopcocks, manhole-covers, flanges etc.) shall be fitted with a device on which Customs seals can be fixed. This device must be such that it cannot be removed and replaced from the outside without leaving obvious traces, or the door or fastening be opened without breaking the Customs seals. Annex 7 takes into account the Kyoto Convention on the minimum conditions which must be met by Customs seals and stamps. The Customs seal shall be adequately protected. Opening roofs shall be permitted. The device on which Customs seals can be fixed must:

- (a) be secured by welding, or by not less than two joining devices conforming to paragraph 88;
- (b) be so designed that when the load compartment has been closed and sealed the device cannot be removed without leaving obvious traces;
- (c) incorporate holes of not less than 11 mm in diameter or slots of at least 11 mm in length by 3 mm in width, and
- (d) afford equal security whatever type of seal is used.

94. Butt hinges, strap hinges, hinge-pins and other devices for hanging doors and the like must be secured in conformity with the requirements of paragraph 93 subparagraph (a) and (b). Moreover, the various components of such devices (e.g. hinge-plates, pins or swivels) must be so fitted that they cannot be removed or dismantled when the load compartment is closed and sealed without leaving obvious traces. However, where such a device is not accessible from outside it will suffice if, when the door or the like has been closed and sealed, it cannot be detached

from the hinge or similar device without leaving obvious traces. Where a door or closure-device has more than two hinges, only those two hinges nearest to the extremities of the door need to be fixed in conformity with the requirements of paragraph 93, subparagraphs (a) and (b).

95. Exceptionally, in the case of vehicles having insulated load compartments, the Customs sealing device, the hinges and any fittings, the removal of which would give access to the interior of the load compartment or to spaces in which goods could be concealed, may be fixed to the doors of such load compartments by means of set bolts or set screws which are inserted from the outside but which do not otherwise meet the requirements of paragraphs 88 and 89, on condition that:

- (a) the tails of the set bolts or set screws are fixed into a tapping plate or similar device fitted behind the outer layer or layers of the door structure; and
- (b) the heads of the appropriate number of set bolts or set screws are so welded to the Customs sealing device, hinges, etc., that they are completely deformed and that the set bolts or set screws cannot be removed without leaving visible signs of tampering. See Sketch No. 1 of chapter 5, annex 6.

96. Vehicles comprising a large number of such closures as valves, stopcocks, manhole covers, flanges and the like must be designed so as to keep the number of Customs seals to a minimum. To this end, neighbouring closures must be interconnected by a common device requiring only one Customs seal, or must be provided with a cover meeting the same purpose.

97. Vehicles with opening roofs must be constructed in such a manner as to permit sealing with a minimum number of Customs seals.

98. Apertures for ventilation and drainage shall be provided with a device preventing access to the interior of the load compartment. This device must be such that it cannot be removed and replaced from the outside without leaving obvious traces.

99. Thus, ventilation apertures must have the following characteristics:

- (a) Their greatest dimension must, in principle, not exceed 400 mm.

- (b) Apertures permitting direct access to the load compartment, must be obstructed by means of wire gauze or perforated metal screens (maximum dimension of holes: 3 mm in both cases) and protected by welded metal lattice work (maximum dimension of holes: 10 mm).
- (c) Apertures not permitting direct access to the load compartment (e.g. because of elbow or baffle-plate systems) must be provided with the same devices, in which, however, the dimensions of the holes may be as much as 10 mm and 20 mm respectively.
- (d) Where openings are made in vehicle cover sheets, the devices referred to in subparagraph (b) of this note must in principle be prescribed. However, blocking devices in the form of a perforated metal screen fitted outside, and wire or other gauze fitted inside, will be allowed.
- (e) Identical non-metal devices may be allowed provided that the holes are of the requisite dimensions and the material used is strong enough to prevent the holes from being substantially enlarged without visible damage. In addition, it must be impossible to replace the ventilation device by working from one side of the sheet only.

100. Drainage apertures, for their part, must have the following characteristics:

- (a) Their greatest dimension must, in principle, not exceed 35 mm.
- (b) Apertures permitting direct access to the load compartment must be provided with the devices described in paragraph 99, subparagraph (b) for ventilation apertures.
- (c) When drainage apertures do not permit direct access to the load compartment, the devices referred to in subparagraph (b) of this paragraph will not be prescribed, on condition that the apertures are provided with a reliable baffle system readily accessible from inside the load compartment.

101. Notwithstanding the prohibition in paragraph 85, subparagraph (c) concerning hidden spaces, constituent parts of the load compartment which, for practical reasons, have to include empty spaces (for example, between the partitions of a double wall) shall be permitted.

102. In order that the said spaces cannot be used to conceal goods:

- (a) where it covers the full height from floor to roof, or, in other cases, where the space between it and the outer wall is completely enclosed the lining inside the load compartment shall be so fitted that it cannot be removed and replaced without leaving obvious traces; and
- (b) where a lining is of less than full height and the spaces between the lining and the outer wall are not completely enclosed, and in all other cases where spaces occur in the construction of a load compartment, the number of such spaces shall be kept to a minimum and these spaces shall be readily accessible for Customs inspection.

103. Windows shall be allowed provided that they are made of materials of sufficient strength and that they cannot be removed and replaced from the outside without leaving obvious traces. Glass shall nevertheless be permitted, but in this case the window shall be fitted with a fixed metal grille which cannot be removed from the outside; the mesh of the grille shall not exceed 10 mm.

104. Openings made in the floor for technical purposes, such as lubrication, maintenance and filling of the sand-box, shall be allowed only on condition that they are fitted with a cover capable of being fixed in such a way as to render the load compartment inaccessible from the outside.

(c) Sheeted vehicles

105. Where applicable, the conditions indicated in paragraphs 85 to 104 shall apply to sheeted vehicles. In addition, these vehicles shall conform to the provisions contained in paragraph 106 to 122.

106. The sheet shall be either of strong canvas or of plastic-covered or rubberized cloth, which shall be of sufficient strength and unstretchable. It shall be in good condition and made up in such a way that once the closing device has been secured, it is impossible to gain access to the load compartment without leaving obvious traces.

107. If the sheet is made up of several pieces, their edges shall be folded into one another and sewn together with two seams at least 15 mm apart. These seams shall be made as shown in sketch No. 1 of chapter 5, annex 2; however,

where in the case of certain parts of the sheet (such flaps and reinforced corners) it is not possible to assemble the pieces in that way, it shall be sufficient to fold the edge of the top section and make the seams as shown in sketches Nos. 2 and 2 (a) of chapter 5, annex 2. One of the seams shall be visible only from the inside and the colour of the thread used for that seam shall be clearly different from the colour of the sheet itself and from the colour of the thread used for the other seam. All seams shall be machine-sewn. The several pieces constituting one sheet may be made of different materials conforming to the provisions of paragraph 106. Any arrangement of the pieces which adequately guarantees security will be allowed in making up the sheet, on condition that the pieces are assembled in conformity with the requirements of annex 2, article 3.

108. If the sheet is of plastic-covered cloth, and is made up of several pieces, the pieces may alternatively be welded together in the manner shown in sketch No. 3 of chapter 5, annex 2. The edges of the pieces shall overlap by at least 15 mm. The pieces shall be fused together over the whole width of the overlap. The edge of the outer sheet shall be covered with a band of plastic material at least 7 mm wide, affixed by the same welding process. The plastic band and the sheet on each side of it for a width of at least 3 mm shall have a clearly-defined uniform relief pattern stamped on them. The pieces shall be welded in such a way that they cannot be separated and rejoined without leaving obvious traces.

109. Repairs shall be made in accordance with the method described in sketch No. 4 of chapter 5, annex 2, the edges shall be folded into one another and sewn together with two visible seams at least 15 mm apart; the colour of the thread visible from the inside shall be different from that of the thread visible from the outside and from that of the sheet itself; all seams shall be machine-sewn. When a sheet which has been damaged near the edges is repaired by replacing the damaged part by a patch, the seam can be made in accordance with the instructions for a sheet made up of several pieces indicated in paragraph 107 and sketches nos. 2 and 2 (a) of chapter 5, annex 2. Sheets of plastic-covered cloth may alternatively be repaired in accordance with the method described in paragraph 108, but in that case the plastic band must be affixed to both sides of the sheet, the patch being fitted on the inside of the sheet.

110. The sheet shall be fixed to the vehicle in strict compliance with the conditions set forth in paragraph 85, subparagraphs (a) and (b). The following types of fastening shall be provided (see sketch No. 4 of chapter 5, annex 6):

- (a) metal rings fixed to the vehicles;
- (b) eyelets let into the edge of the sheet;
- (c) a fastening passing through the rings above the sheet and visible from the outside for its entire length.

111. Metal securing rings sliding on metal bars fixed to the vehicles are acceptable for the purpose of this paragraph (see sketch No. 2 of chapter 5, annex 6) provided that:

- (a) the bars are affixed to the vehicle at maximum spacings of 60 cms and in such a manner that they cannot be removed and replaced without leaving obvious traces;
- (b) the rings are made with a double hoop or equipped with a central bar and made in one piece without the use of welding; and
- (c) the sheet is fixed to the vehicle in strict compliance with the conditions set forth in paragraph 85, sub paragraphs (a).

112. Metal swivel rings, each of which rotates in a metal bracket fixed to the vehicle are acceptable provided that (see chapter 6, amendment 4):

- (a) each bracket is affixed to the vehicle in such a manner that it cannot be removed and replaced without leaving obvious traces; and
- (b) the spring under each bracket is completely enclosed by a bell-shaped metal cover.

113. The sheet shall overlap solid parts of the vehicle by at least 250 mm, measured from the centre of the securing rings, unless the system of construction of the vehicle in itself prevents all access to the load compartment.

114. When any edge of a sheet is to be permanently secured to a vehicle the two surfaces shall be joined continuously and held in place by means of solid devices. Where one or more edges of the sheet are permanently attached to the body of the vehicle, the sheet shall be held in place by one or several strips of metal or other suitable material secured to the body of the vehicle by joining devices having the characteristics indicated in paragraph 88 (see chapter 6, modifications).

115. The sheet shall be supported by an adequate superstructure (uprights, sides, arches, slats, etc.).

116. The distances between the rings and the distances between the eyelets shall not exceed 200 mm. The distances may however be greater but shall not exceed 300 mm between rings and eyelets on either side of the upright if the construction of the vehicle and the sheet is such as to prevent all access to the load compartment. The eyelets shall be reinforced. Distance exceeding 200 mm but not exceeding 300 mm are acceptable over the uprights if the rings are recessed in the side boards and the eyelets are oval and so small that they can just pass over the rings (see chapter 6, amendment No. 1).

117. The following fastenings shall be used:

- (a) steel wire ropes of at least 3 mm diameter; or
- (b) ropes of hemp or sisal of at least 8 mm diameter encased in a transparent sheath of unstretchable plastic. Wire ropes may have a transparent sheath of unstretchable plastic.

118. Ropes comprising a textile core surrounded by six strands consisting solely of steel wire and completely covering the core will be allowed on condition that the ropes (without taking into account the transparent plastic sheath, if any) are not less than 3 mm in diameter (see chapter 6, amendment No. 4).

119. Each rope shall be in one piece and have a hard metal end-piece at each end. The fastener of each metal end-piece shall include a hollow rivet passing through the rope so as to allow the introduction of the thread or strap of the Customs seal. The rope shall remain visible on either side of the hollow rivet so that it is possible to ensure that the rope is in one piece (see sketch No. 5 of chapter 5, annex 2).

120. At the openings in the sheet, used for loading and unloading, the two edges of the sheet shall have an adequate overlap. They shall also be fastened by:

- (a) a flap sewn or welded in accordance with paragraphs 107 and 108. The sheets of many vehicles are provided on the outside with a horizontal flap pierced by eyelets running along the length of the side of the vehicle. Such flaps, known as tensioning flaps, are used to tauten the sheet by means of tensioning cords or similar devices. Such flaps have been used to conceal horizontal slits made in the sheets giving improper access to the goods carried in

the vehicle. It is therefore recommended that the use of flaps of this type should not be allowed. The following devices may be used instead:

- (i) tensioning flaps of similar design fixed on the inside of the sheet; or
 - (ii) small individual flaps each pierced by one eyelet secured to the outside surface of the sheet and spaced at such distances as will permit an adequate tensioning of the sheet. Alternatively, it may be possible in certain cases to avoid the use of tensioning flaps on sheets.
- (b) rings and eyelets meeting the conditions of paragraph 116.
- (c) a thong made of appropriate material, in one piece and unstretchable, at least 200 mm wide and 3 mm thick, passing through the rings and holding together the two edges of the sheet and the flap; the thong shall be secured inside the sheet and fitted with an eyelet to take the steel wire, rope or rope of hemp or sisal having the characteristics described in paragraph 117. A flap shall not be required if a special device, such as a baffle plate, is fitted, which prevents access to the load compartment without leaving obvious traces.

121. The following materials are regarded as suitable for making thongs:

- (a) leather;
- (b) non-tensile textile materials including plastic-covered or rubberized cloth, provided that such materials cannot after severance be welded or reconstituted without leaving obvious traces. Furthermore, the plastic material used to cover thongs shall be transparent and smooth-surfaced.

122. The devices for fixing sheets shown in sketch No. 3 of chapter 5, annex 6 meets the requirements indicated in paragraph 120, subparagraphs (c) and paragraphs 110, 113 and 114.

B. Procedures for the approval of containers
(annex 7, Part II)

123. Containers may be approved for the transport of goods under Customs seal either:

- (a) at the manufacturing stage, by design type (procedure for approval at the manufacturing stage); or
- (b) at a stage subsequent to manufacture, either individually or in respect of a specified number of containers of the same type (procedure for approval at a stage subsequent to manufacture).

124. The competent authority responsible for granting approval shall issue to the applicant, after approval, a certificate of approval valid, as the case may be, either for an unlimited series of containers of the approved type or for a specified number of containers.

125. The beneficiary of approval shall affix an approval plate to the approved container or containers before their use for the transport of goods under Customs seal.

126. The approval plate shall be affixed permanently and in a clearly visible place adjacent to any other approval plate issued for official purposes.

127. The approval plate, conforming to model No. I reproduced in chapter 5, annex 7, part II, appendix 1 to this shall take the form of a metal plate measuring not less than 20 cm by 10 cm. The following particulars shall be stamped into or embossed on the plate or indicated on its surface in any other permanent and legible way, in at least the English or the French language:

- (a) the words "Approved for transport under Customs seal";
- (b) an indication of the country in which approval was granted either by name or by means of the distinguishing sign used to indicate the country of registration of motor vehicles in international road traffic, and the number (figures, letters, etc.) of the certificate of approval and the year (e.g. "NL/26/73" means "Netherlands, certificate of approval No.26, issued in 1973");
- (c) the serial number assigned to the container by the manufacturer (manufacturer's number);

- (d) if the container has been approved by type, the identification numbers or letters of the type of container.

128. If two sheeted containers, approved for transport under Customs seal have been joined together in such a way that they form one container, covered by a single sheet and fulfilling the conditions for transport under Customs seal, a separate certificate of approval, or approval plate, shall not be required for the combination.

129. If a container no longer complies with the technical conditions prescribed for its approval, it shall, before it can be used for the transport of goods under Customs seal, be restored to the condition which had justified its approval, so as to comply again with the said technical conditions.

130. If the essential characteristics of a container are changed, the container shall cease to be covered by the approval and shall be reapproved by the competent authority before it can be used for the transport of goods under Customs seal.

1. Approval by design type

131. Where the containers are manufactured by type series, the manufacturer may apply to the competent authority of the country of manufacture for approval by design type.

132. The manufacturer shall state in his application the identification numbers or letters which he assigns to the type of container to which his application for approval relates.

133. The application shall be accompanied by drawings and a detailed design specification of the container type to be approved.

134. The manufacturer shall give an undertaking in writing that he will

- (a) present to the competent authority such containers of the type concerned as that authority may wish to examine;
- (b) permit the competent authority to examine further units at any time during the production of the type series concerned;

- (c) advise the competent authority of any change, of whatever magnitude, in the design or specification before proceeding with such change;
- (d) mark the containers in a visible place with, in addition to the markings required on the approval plate, the identification numbers or letters of the design type and the serial number of the container in the type series (manufacturer's number);
- (e) keep a record of containers manufactured to the approved design type.

135. The competent authority shall state what changes, if any, must be made to the proposed design type so that approval may be granted.

136. No type-approval by design type shall be granted unless the competent authority has satisfied itself by examination of one or more containers manufactured to the design type concerned that containers of that type comply with the technical conditions prescribed in paragraphs 142 to 160.

137. When a container type is approved there shall be issued to the applicant a single certificate of approval conforming to model No. II reproduced in chapter 5, annex 7, appendix 2 to Part II and valid for all containers manufactured in conformity with the specifications of the type so approved. Such certificate shall entitle the manufacturer to affix to every container of the type series an approval plate in the form prescribed in paragraph 127.

2. Individual approval

138. If approval has not been applied for at the manufacturing stage, the owner, the operator, or the representative of either, may apply for approval to the competent authority to which he is able to produce the container or containers and for which he seeks approval.

139. An application for approval submitted under paragraph 138 shall state the serial number (manufacturer's number) placed on each container by the manufacturer.

140. When the competent authority has ascertained that the container or containers comply with the technical conditions prescribed in paragraphs 142 to 160 of this manual, by examination of as many containers as it considers necessary, it shall issue a certificate of approval conforming to model No. III reproduced in chapter 5, annex 7, appendix 3 to

Part II and valid solely for the number of containers approved. Such certificate, which shall bear the manufacturer's serial number or numbers assigned to the container or containers to which it relates, shall entitle the applicant to affix to each container so approved the approval plate described in paragraph 127.

141. Model I of chapter 5, annex 7, appendix 1 to Part II contains an approval plate in the French and English versions.

3. Technical conditions applicable to containers
(chapter 5, annex 7, Part I)

(a) Basic principles

142. Approval for the international transport of goods under Customs seal may be granted only to containers constructed and equipped in such a manner that:

- (a) no goods can be removed from, or introduced into, the sealed part of the container without leaving visible traces of tampering or without breaking the Customs seal;
- (b) Customs seals can be simply and effectively affixed to them;
- (c) they contain no concealed spaces where goods may be hidden;
- (d) all spaces capable of holding goods are readily accessible for Customs inspection.

(b) Structure of containers

143. To meet the requirements of paragraph 142 above, containers shall have the following characteristics:

- (a) the constituent parts of the container (sides, floors, doors, roof, uprights, frames, cross-pieces, etc.) shall be assembled either by means of devices which cannot be removed and replaced from the outside without leaving visible traces or by such methods as will produce a structure which cannot be modified

without leaving visible traces. When the sides, floor, doors and roof are made up of various components, these shall meet the same requirements and be of sufficient strength;

- (b) doors and all other closing systems (including stopcocks, manhole-covers, flanges, etc.) shall be fitted with a device on which Customs seals can be fixed. This device must be such that it cannot be removed and replaced from outside the container without leaving visible traces, or the door or fastening be opened without breaking the Customs seals. The latter shall be adequately protected. Opening roofs shall be permitted. Annex 8 contains the minimum conditions which must be met by Customs seals and stamps.
- (c) apertures for ventilation and drainage shall be provided with a device preventing access to the interior of the container. This device must be such that it cannot be removed and replaced from outside the container without leaving visible traces.

144. Notwithstanding the provisions of paragraph 142, subparagraph (c), constituent parts of the container which, for practical reasons, have to include empty spaces (for example, between the partitions of a double wall) shall be permitted.

145. In order that the said spaces cannot be used to conceal goods:

- (a) it shall not be possible to remove and replace the lining inside the container without leaving visible traces; or
- (b) the number of the said spaces shall be kept to a minimum and these spaces shall be readily accessible for Customs inspection.

(c) Containers capable of being folded
or dismantled

146. Containers capable of being folded or dismantled shall be subject to the provisions of paragraphs 142 to 145 and shall be fitted with a bolting system which locks the various parts together once the container has been erected. This bolting system must be capable of being sealed by the Customs if it is on the outside of the container when the latter has been erected.

(d) Sheeted containers

147. Where applicable, the provisions of paragraphs 142 to 146 above shall apply to sheeted containers. In addition, these containers shall conform to the provisions of paragraphs 148 to 160.

148. The sheet shall be either of strong canvas or of plastic-covered or rubberized cloth, which shall be of sufficient strength and unstretchable. It shall be in good condition and made up in such a way that once the closing device has been secured, it is impossible to gain access to the load without leaving visible traces.

149. If the sheet is made up of several pieces, their edges shall be folded into one another and sewn together with two seams at least 15 mm apart. These seams shall be made as shown in sketch No. 1 of chapter 5, annex 7, Part I; however, where in the case of certain parts of the sheet (such as flaps at the rear and reinforced corners) it is not possible to assemble the pieces in that way, it shall be sufficient to fold the edge of the top section and make the seams as shown in sketch No. 2 of chapter 5, annex 7, Part I. One of the seams shall be visible only from the inside and the colour of the thread used for that seam shall be clearly different from the colour of the sheet itself and from the colour of the thread used for the other seam. All seams shall be machine-sewn.

150. If the sheet is of plastic-covered cloth, and is made up of several pieces, the pieces may alternatively be welded together in the manner shown in sketch No. 3 of chapter 5, annex 7, Part I. The edges of the pieces shall overlap by at least 15 mm. The pieces shall be fused together over the whole width of the overlap. The edge of the outer sheet shall be covered with a band of plastic material at least 7 mm wide, affixed by the same welding process. The plastic band and a width of at least 3 mm on each side shall have a well-marked uniform relief stamped on it. The pieces shall be welded in such a way that they cannot be separated and rejoined without leaving visible traces.

151. Repairs shall be made in accordance with the method described in sketch No. 4 of chapter 5, annex 7, Part I; the edges shall be folded into one another and sewn together with two visible seams at least 15 mm apart; the colour of the thread visible from the inside shall be different from that of the thread visible from the outside and from that of the sheet itself; all seams shall be machine-sewn. When a sheet which has been damaged near the edges is repaired by replacing the damaged part by a patch, the seam can also be made in accordance with the provisions of paragraph 149 for sheets made up of several pieces and sketch No. 1 of chapter 5, annex 7, Part I. Sheets of plastic-covered cloth

may alternatively be repaired in accordance with the method described in paragraph 150, but in that case the weld must be made on both sides of the sheet, the patch being fitted on the inside of the sheet.

152. The sheet shall be fixed to the container in strict compliance with the conditions set forth in paragraph 142, subparagraphs (a) and (b). The fastening shall consist of:

- (a) metal rings fixed to the container;
- (b) eyelets in the edge of the sheet;
- (c) a fastening passing through the rings above the sheet and visible from the outside for its entire length.

153. Example of a system of affixing sheets around a container's corner-castings, acceptable from a Customs point of view, is given in chapter 5, annex 7, Part III.

154. The sheet shall overlap solid parts of the container by at least 250 mm, measured from the centre of the securing rings, unless the system of construction of the container by itself prevents all access to the goods.

155. When the edge of a sheet is to be permanently secured to a container, the joint shall be continuous and effected by means of solid devices.

156. The distance between rings and between eyelets shall not exceed 200 mm. The eyelets shall be reinforced.

157. The following fastenings shall be used:

- (a) steel wire rope of at least 3 mm diameter; or
- (b) a rope of hemp or sisal of at least 8 mm diameter encased in a transparent unstretchable plastic sheath. Wire ropes may have a transparent unstretchable plastic sheath.

158. Each rope shall be in one piece and have a hard metal end-piece at each end. The fastener of each metal end-piece shall include a hollow rivet passing through the rope so as to allow the introduction of the thread or the strap of the Customs seal. The rope shall remain visible on either side of the hollow rivet so that it is possible to ensure that the rope is in one piece (see sketch No. 5 in chapter 5, annex 7, Part I)

159. At the openings in the sheet, used for loading and unloading, the two edges of the sheet shall have an adequate overlap. They shall also be fasted by:

- (a) a flap sewn or welded in accordance with paragraphs 149 and 150;
- (b) rings and eyelets meeting the conditions of paragraph 156;
- (c) a thong made of appropriate material, in one piece and unstretchable, at least 20 mm wide and 3 mm thick, passing through the rings and holding together the two edges of the sheet and the flap; the thong shall be secured inside the sheet and fitted with an eyelet to take the rope mentioned in paragraph 157. A flap shall not be required if a special device, such as a baffle plate, is fitted, which prevents access to the goods without leaving visible traces.

160. The identification marks, which must appear on the container, the approval plate and the customs seal shall in no circumstances be covered by the sheet, in accordance with the provisions of paragraphs 125 to 127, 134 (d), 137, 140 and 143 (b).

III. THE NATIONAL GUARANTEEING ASSOCIATION AND THE INTERNATIONAL GUARANTEEING ASSOCIATION

161. The national guaranteeing association, in agreement with the international guaranteeing association shall, in addition to signing the deed of engagement, perform the operations listed below (annex 3 contains a model deed of engagement prepared by the international guaranteeing association IRU).

A. Supervision of admission

162. The procedure for admission to or suspension from the TIR system applied by the national guaranteeing association with respect to carriers must guarantee the eligibility and solvency of those making use of the system. This procedure must be communicated to the international guaranteeing association, which shall have the right to ask for any alteration to be made that it may deem desirable; that right must be stated in the deed of engagement.

163. The national guaranteeing association shall accept all verifications made by the international guaranteeing association on the conditions of admission of carriers to the TIR system.

B. Supply of TIR carnets

164. The national guaranteeing association shall purchase TIR carnets from the international guaranteeing association in conformity with the rules which they have established.

165. TIR carnet forms sent to national guaranteeing associations by corresponding foreign associations or by international organizations (international guaranteeing associations) shall not be subject to import and export duties and taxes and shall be free of import and export prohibitions and restrictions (chapter 5, article 7).

C. Period of validity of TIR carnets

166. The guaranteeing association shall fix the period of validity of the TIR carnet by specifying a final date of validity after which the carnet may not be presented for acceptance at the Customs office of departure (chapter 5, article 9, paragraph 1).

167. The international guaranteeing association IRU has laid down that the period of validity of a TIR carnet may not exceed three months, and reserves the right to reduce it. Exceptionally, a single extension of the carnet's validity for a period of one month may be granted by the national guaranteeing association, if sound grounds exist. Exceptionally, a national guaranteeing association may also extend, for a maximum of 20 days, the period of validity of a TIR carnet produced by a carrier residing abroad. The national guaranteeing association shall communicate this decision by telex or telegram to the national guaranteeing association issuing the carnet.

168. Provided that it has been accepted by the Customs office of departure on or before the final date of validity, as provided for in paragraph 166, the carnet shall remain valid until the termination of the TIR operation at the Customs office of destination (chapter 5, article 9, paragraph 2).

D. Control of TIR carnets

169. The national guaranteeing association shall send the international guaranteeing association each month, the TIR carnets returned during the previous month, and duly cleared by the Customs authorities. The same procedure shall be adopted in respect of TIR carnets delivered to holders but not used during the period of validity.

170. The international guaranteeing association shall ascertain whether the TIR carnets have been regularly and unconditionally discharged; if this is not the case it shall return them to the national guaranteeing association which issued them, so that it may request the user to have them unconditionally discharged at the earliest possible date by the corresponding Customs authority.

171. Used TIR carnets shall be kept by the international guaranteeing association for the period during which Customs offices may ask to examine them (one year in the case of TIR carnets which have not been discharged or have been conditionally discharged, and two years where the certificate of discharge was obtained in an improper or fraudulent manner). In the case of judicial proceedings initiated in respect of a transport under cover of a TIR carnet before the two-year period has expired, said TIR carnet shall be kept until the judicial proceedings have terminated.

172. The national guaranteeing association shall accept all the verifications of the international guaranteeing association on its administrative handling of the TIR carnet procedure.

E. Monthly TIR carnet statistics

173. The national guaranteeing association shall report to the international guaranteeing association on the condition of the TIR carnets used each month and shall send them at the beginning of the following month.

174. The national guaranteeing associations which belong to the guarantee system of the international guaranteeing association IRU prepare statistics in the following way:

Statistics for the month of:

Issuing Association:

- (1) TIR carnets sold:
 - (a) valid for two countries;
 - (b) valid for several countries;

- (2) TIR carnets used and returned:
 - (a) valid for two countries;
 - (b) valid for several countries;

- (3) TIR carnets not issued and damaged:
 - (a) valid for two countries;
 - (b) valid for several countries;

- (4) TIR carnets issued, damaged and unused:
 - (a) valid for two countries;
 - (b) valid for several countries;

- (5) TIR carnets returned to their holders because of conditional discharge:

Remarks:

Place

Date

Signature

IV. THE NATIONAL GUARANTEEING ASSOCIATION AND CARRIERS

175. The national guaranteeing association and the carriers of each Contracting Party shall perform the operations listed below.

A. Financial reliability of transport enterprises

176. Every international carrier desiring to utilise the TIR Convention must present its application for admission to the national guaranteeing association of the country in which it is registered as an international carrier.

177. The national guaranteeing association, in its capacity as a member of the international guaranteeing association, shall examine the applications of carriers desiring to avail themselves of the advantages of the TIR carnet.

178. The national guaranteeing association shall ascertain, by taking all the necessary measures dictated by circumstances, that the guarantees offered by the applicant as to his moral character, his professional competency and his financial reliability justify his being admitted to benefit from the TIR carnet service. The national guaranteeing association shall repeat these measures as often as it deems necessary and at least biennially.

179. The national guaranteeing association shall keep up to date a register of carriers authorized to carry goods under the TIR procedure.

180. The national guaranteeing association shall take all the measures dictated by circumstances to determine if authorization for use of TIR carnets should be suspended in the case of carriers that no longer offer the same guarantees exacted of them at the time of their admission.

181. The national guaranteeing association shall apply all the appropriate sanctions against any carrier who has made improper or fraudulent use of TIR carnets, and, in particular, it shall suspend, either temporarily or permanently, the issue of TIR carnets to the carrier in question.

B. Declaration of engagement of the carrier with the national guaranteeing association

182. Once the application for admission submitted by the international carrier to the national guaranteeing association has been examined and approved, a declaration of engagement shall be formalized, whereby the carrier holding a TIR carnet recognizes the right of appeal of a national guaranteeing association in respect of any sum which it might have to pay to the Customs authorities in consequence of improper or fraudulent use of TIR carnets.

183. A model declaration of engagement of the carrier prepared by the international guaranteeing association IRU for admission to the TIR customs regime, is presented in annex 6.

C. Issue of TIR carnets

184. The national guaranteeing association shall organize the issue of TIR carnets and shall so notify carriers desiring to effect international transport under the TIR Convention.

185. The national guaranteeing association may issue TIR carnets only to those applicants that it has previously authorized and that are signatories to a corresponding declaration of engagement.

186. As an exceptional measure the international guaranteeing association IRU authorizes the national guaranteeing association to issue to a foreign carrier the TIR carnets essential for his return journey, whenever that carrier is the holder of a TIR carnet valid for the outward journey and issued in his name, for the vehicle concerned, by his national association, and is able to support his claim that he could not foresee at the start of his outward journey the number of TIR carnets he would need for his return journey. This facility is not applicable if the applicant's national association raises objections to the issue of such carnets. Whenever possible, the national association thus approached shall get in touch with the national association of the applicant with a view to ascertaining whether the latter is empowered to effect transport operations under the TIR procedure. In any case, the maximum period of validity of a TIR carnet issued in these conditions may not exceed 30 days.

Chapter 3

STEPS TO BE FOLLOWED FOR EVERY TIR OPERATION

187. Under this heading are listed the steps that are carried out permanently in every Customs office in relation to the international transport of goods under the TIR procedure.

188. The term "TIR operation" shall mean the transport of goods from a Customs office of departure to a Customs office of destination under the procedure, called the "TIR procedure", laid down in the TIR Convention (chapter 5, article 1, paragraph (a))

I. THE CUSTOMS AUTHORITIES AND THE CARRIERS

A. General aspects

189. Each Contracting Party reserves the right to refuse to recognize the validity of the approval of road transport vehicles or containers which do not meet the conditions set forth in paragraph 85 to 122 and 142 to 160 and which have not been approved under the procedures established in paragraphs 60 to 84 and 123 to 141. Nevertheless, Contracting Parties shall avoid delaying traffic when the defects found are of minor importance and do not involve any risk of smuggling, (chapter 5, article 14, paragraph 1).

190. Before it is used again for the transport of goods under Customs seal, any road vehicle or container which no longer meets the conditions which justified its approval, shall be either restored to its original state, or presented for reapproval. (chapter 5, article 14, paragraph 2).

191. No special Customs document shall be required in respect of the temporary importation of a road transport vehicle, combination of vehicles or container carrying goods under cover of the TIR procedure. No guarantee shall be required for the road vehicle or combination of vehicles or container (chapter 5, article 15, paragraph 1).

192. The provisions of the preceding shall not prevent a Contracting Party from requiring the fulfilment at the Customs office of destination of the formalities laid down by its national regulations to ensure that, once the TIR operation has been completed, the road vehicle, the combination of vehicles or the container will be re-exported (chapter 5, article 15, paragraph 2).

193. Certain difficulties may arise in the case of vehicles not subject to registration, such as in some countries, trailers or semi-trailers, when Customs documents are not required for temporary admission. In that case, the provisions of paragraph 191 may be observed, and in order for the Customs authorities to have the necessary guarantee, they shall record particulars of these vehicles (make and numbers) on vouchers 1 and 2 of the TIR carnet used by the countries concerned and on the corresponding counterfoils (chapter 5, annex 6, article 15).

194. When a road transport vehicle or combination of vehicles is carrying out a TIR operation, one rectangular plate bearing the inscription "TIR" shall be affixed to the front and another to the rear of the road vehicle or combination of vehicles. These plates shall be so placed as to be clearly visible and shall be removable (chapter 5, article 16) and shall have the following characteristics (chapter 5, annex 5):

- (a) The dimensions of the plates shall be 250 mm by 400 mm.
- (b) The letters TIR shall be in capital characters 200 mm high, and their strokes shall be at least 20 mm wide. The letters shall be white on a blue ground.

195. Every road transport vehicle or container shall be accompanied by a TIR carnet. However, a single TIR carnet may be made out in respect of a combination of vehicles or for several containers loaded on to a single road vehicle or on to a combination of vehicles. In that case the TIR manifest of the goods covered by the TIR carnet shall list separately the contents of each vehicle in the combination of vehicles or of each container (chapter 5, article 17, paragraph 1).

196. The provision that the manifest of the goods covered by the TIR carnet shall show separately the contents of each vehicle of a combination of vehicles, or of each container, is only intended to simplify Customs inspection of the contents of each vehicle or container. This provision shall not therefore be interpreted so rigidly that each variation between the actual contents of a vehicle or container and the contents of that vehicle or container as shown on the manifest is considered a breach of the provisions of the Convention. If the carrier can satisfy the relevant authorities that, notwithstanding such a variation, all the goods shown on the manifest agree with the total of goods loaded in the combination of vehicles or in all the containers covered by the TIR carnet, this shall not normally be considered a breach of Customs requirements (chapter 5, annex 6, article 17, paragraph 1).

197. In the case of household removals, the procedure laid down in paragraph 10 (c) of the Rules for the use of the TIR carnet can be applied, the list of articles concerned being reasonably condensed (chapter 5, annex 6, article 17, paragraph 2).

198. The TIR carnet shall be valid for one journey only. It shall contain at least the number of detachable vouchers for Customs acceptance and for discharge which are necessary for the transport operation in question (chapter 5, article 17, paragraph 2).

199. A TIR operation may involve several Customs offices of departure and destination, but, save as may otherwise be authorized by the Contracting Party or Parties concerned (chapter 5, article 18):

- (a) the Customs offices of departure shall be situated in only one country;
- (b) the Customs offices of destination shall be situated in not more than two countries; and
- (c) the total number of Customs offices of departure and destination shall not exceed four.

200. It is essential for the smooth operation of the TIR procedure that the Customs authorities of one country should refuse to designate a Customs office of exit as a Customs office of destination for a transport operation which is going on to a neighbouring country when that country is also a Contracting Party to the Convention, unless there are some special circumstances to justify the request (chapter 5, annex 6, article 18, paragraph 1).

201. Goods should be so loaded that the consignment to be unloaded at the first discharge point can be taken out of the vehicle or the container without it being necessary to unload the other consignment or consignments of goods due to be unloaded at the other discharge points (chapter 5, annex 6, article 18, paragraph 2).

202. Where a transport operation involves unloading at more than one office it is necessary that, after each partial unloading, a record of it should be made in box 12 on all the remaining manifests of the TIR carnet, and at the same time another record should be made on the remaining vouchers and the corresponding counterfoils to the effect that new seals have been affixed (chapter 5, annex 6, article 18, paragraph 2).

203. When transport under cover of a TIR carnet takes place in part in the territory of a State which is not a Contracting Party to the Convention, the TIR operation shall

be suspended during that part of the journey. In that case, the Customs authorities of the Contracting Party on whose territory the journey continues shall accept the TIR carnet for the resumption of the TIR operation, provided that the Customs seals and/or identifying marks have remained intact (chapter 5, article 26, paragraph 1).

204. The same shall apply during part of the journey where the TIR carnet is not used by the holder of the carnet in the territory of a Contracting Party because of the existence of simpler Customs transit procedures or when the use of a Customs transit regime is not necessary (chapter 5, article 26, paragraph 2) as, for instance, in the case of maritime transport in international waters.

205. In such cases the Customs offices where the TIR operation is suspended or resumed shall be deemed to be Customs offices of exit en route and Customs offices of entry en route respectively (chapter 5, article 26, paragraph 1).

206. The provisions of the TIR Convention shall preclude neither the application of restrictions and controls imposed under national regulations on grounds of public morality, public security, hygiene or public health, or for veterinary or phytopathological reasons, nor the levy of dues chargeable by virtue of such regulations (chapter 5, article 47, paragraph 1).

207. The provisions of the Convention shall not preclude the application of other provisions either national or international governing transport, such as for example, those relating to international transport permits (chapter 5, article 47, paragraph 2).

208. No charge shall be made for Customs attendance in connexion with the Customs operations mentioned in the Convention, save where it is provided on days or at times or places other than those normally appointed for such operations (chapter 5, article 6, paragraph 1).

209. Contracting Parties shall facilitate to the fullest extent possible operations concerning perishable goods which are to be carried out at Customs offices (chapter 5, article 46, paragraph 2).

210. If the Customs authorities conduct an examination of the load of a road transport vehicle, combination of vehicles or container in the course of the journey or at a Customs office en route, they shall record on the TIR carnet vouchers used in their country, on the corresponding counterfoils, and on the vouchers remaining in the TIR carnet, particulars of the new seals affixed and of the controls carried out (chapter 5, article 24).

211. If the Customs seals are broken en route otherwise than in the circumstances of paragraphs 210 and 293, or if any goods are destroyed or damaged without breaking of such seals, the competent authorities of the country in which the carrier is operating shall, without prejudice to the possible application of the provisions of national law, draw up with minimal delay the certified report which is contained in the TIR carnet (chapter 5, Article 25). If the Customs seals were broken by Customs authorities, they will carry out the procedures described in the last paragraph. (See paragraphs 324 and 325 "Rules to be followed in case of incidents or accidents en route").

212. The Customs authorities shall not require road transport vehicles, combinations of vehicles or containers to be escorted at the carrier's expense in the territory of their country or require examination en route of road transport vehicles, combinations of vehicles or containers and their loads except in special cases (chapter 5, article 23).

B. At the customs office of departure

213. The term "Customs office of departure" shall mean any Customs office of a Contracting Party where the international transport of a load or part-load of goods under the TIR procedure begins (chapter 5, article 1, paragraph (f)).

214. The goods and the road transport vehicle, the combination of vehicles or the container shall be produced with the TIR carnet at the Customs office of departure (chapter 5, article 19). The certificate of approval of the vehicle shall also be produced, except in the case of heavy or bulky goods.

215. Every TIR carnet has a date of expiry, after which it cannot be presented for acceptance at the Customs office of departure (chapter 5, article 9, paragraph 1).

216. When a TIR carnet is presented at the Customs office of departure for formal acceptance, all the necessary data must be filled in, with the exception of those reserved for entry by the Customs authorities. It shall be accompanied by the dispatch notes for the goods enumerated in the manifest and, in the case of load groupage, by a comprehensive load list of each of the consignments appearing in the manifest.

217. The Customs office shall verify that the particulars of the goods manifest on the various vouchers of the carnet tally with those in the export documents and that the carnet

as a whole is correctly filled out, with no omissions. At the request of the Customs office, photocopies, drawings, packing lists or any other document may be added to facilitate identification of the goods. These additional documents shall be affixed by appropriate devices to the inside or cover pages of the carnet.

218. The Customs office shall check the condition of the road transport vehicle or container and, in the case of sheeted vehicles or containers, the condition of the sheets and sheet fastenings, since these accessories are not included in the certificate of approval. The vehicle or container shall then be sealed.

219. The Customs office of some countries register the TIR carnet in a book prepared for the purpose, recording the serial number, date of registration, number of carnet, name of issuing association, name and address of the holder and of the driver, number of packages, gross weight, generic description of the goods, names of the Customs offices en route and of arrival, and remarks.

220. The Customs office shall note the export invoice number on the first set of vouchers Nos. 1 and 2 and their respective counterfoils of the TIR carnet and shall fill in boxes 20 to 25 of these vouchers (except item 21), together with boxes Nos. 18 and 19 of all the vouchers in the carnet. The counterfoil of voucher No. 1 shall be endorsed, except when there are expected to be other Customs offices of departure, in which case boxes 18 and 19 of the first set only of vouchers 1 and 2 shall be filled in, signed and stamped by the first office.

221. The Customs office shall also verify that the vehicle or container has not undergone any handling which might involve tax risks, and that the corresponding certificates of admission are valid and correctly issued.

222. Lastly, the Custom office shall verify that the TIR plates are affixed on the front and rear of the vehicle concerned, or, where appropriate, to the front of the tractor and the rear of the trailer. It shall then detach voucher No. 1 and retain it until voucher No. 2 or its bottom portion is received from the Customs office of exit en route. The two shall, in due course, be matched and carefully filed by order of registration.

223. Should there be several Customs offices of departure, a circumstance which shall be noted in box 2 of voucher No. 1, the second office shall return voucher No. 2 or its bottom portion to the first. It shall, in turn, remove the seals from the vehicle and effect, as a Customs office of departure, the clearance of the new goods loaded, reseal the vehicle, and fill out boxes 20 to 25 of the second set of vouchers Nos. 1 and 2. The same procedure shall be followed at the third and last possible Customs office of

departure. At the second Customs office of departure, the manifest shall include the goods loaded at both the first and second offices, and at the third Customs office of departure, in turn, it shall comprise the whole of the goods cleared by all three Customs offices. Boxes 18 and 19 of all the vouchers in the manifest shall be filled out by the last Customs office of departure, which is the one at which the manifest is totalized and the final Customs seals are affixed.

224. A TIR operation may begin at an interior Customs office, if one exists, in which the steps corresponding to a Customs office of departure shall be performed; the steps corresponding to a Customs office of exit en route shall then be performed at the country's frontier Customs office. If the TIR operation begins at a frontier Customs office, the steps corresponding both to a Customs office of departure and to a Customs office of exit en route shall be performed at that office.

C. At the customs office en route

225. The term "Customs office en route" shall mean any Customs office of a Contracting Party through which a road transport vehicle, combination of vehicles or container is imported or exported in the course of a TIR operation (chapter 5, article 1, paragraph (h)).

226. At each Customs office en route the road transport vehicle, the combination of vehicles or the container shall be produced for inspection to the Customs authorities together with the load and the TIR carnet relating thereto (chapter 5, article 21). The certificate of approval of the vehicle shall also be produced.

227. The provisions of paragraph 226 do not restrict the right of Customs authorities to examine all parts of a vehicle other than the sealed load compartment (chapter 5, annex 6, article 21, paragraph 1).

228. The Customs office of entry may turn back the carrier to the Customs office of exit of the adjacent country if it finds that no clearance has been given by that office or that clearance has not been given in due form. In such cases the Customs office of entry inserts a note in the TIR carnet for the Customs office of exit concerned (chapter 5, annex 6, article 21, paragraph 3).

229. If in the course of an examination, Customs authorities draw samples of goods, a note recording full particulars of the goods taken must be made by those authorities on the goods manifest of the TIR carnet (chapter 5, annex 6, article 21, paragraph 3).

230. Provided that the TIR carnet has been accepted by the Customs office of departure on or before the final date of validity, as provided for in paragraph 1 of this article, the carnet shall remain valid until the termination of the TIR operation at the Customs office of destination (chapter 5, article 9, paragraph 2).

231. As a general rule and except when they examine the goods in accordance with paragraph 46, the Customs authorities of the Customs offices en route of each of the Contracting Parties shall accept the Customs seals of other Contracting Parties, provided that they are intact. The said Customs authorities may, however, if control requirements make it necessary, add their own seals (chapter 5, article 22, paragraph 1).

232. The Customs seals thus accepted by a Contracting Party shall have in the territory of that Contracting Party the benefit of the same legal protection as is accorded to the national seals (chapter 5, article 22, paragraph 2).

1. At customs offices of exit en route

233. The Customs office of exit en route, if it finds the documents, the vehicle or container and the customs seals all in order, shall fill out boxes 26 to 30 (except box 28) of voucher No. 2 and the corresponding counterfoil. It will then allow the vehicle or container to leave. The voucher or its bottom portion shall subsequently be returned to the corresponding Customs office of departure or Customs office of entry en route.

234. In some countries the Customs offices of exit en route register voucher No. 2 in a special book with spaces for serial number of the entry, date of registration, TIR carnet number, name of issuing association, name and address of the holder and of the driver, number of packages, gross weight, generic description of the goods, name of Customs offices of departure, en route and of destination, and remarks.

235. Should there be sound reasons for suspecting fraud, the Customs office may make the appropriate verifications. If these show that irregularities have occurred, the certificate of discharge (boxes 26 to 30) on voucher No. 2 shall not be filled out and the vehicle or container shall be provisionally detained until a decision is made as to its release and any appropriate sanction formalized and paid.

236. If the seals on the vehicle or container are broken, it shall be verified whether the merchandise tallies with that described in the manifest, and if so, it shall permit the vehicle or container to depart, after affixing new

seals, with the following note entered in box 29 of voucher No. 2 and in box 5 of the counterfoil for reservations: "Customs seals presented for clearance broken".

237. When it is seen that the vehicle or container has been presented for clearance after the expiry of the time limit established by the Customs office of departure or the Customs office of entry en route, the Customs office of exit en route may request explanation from the driver. If those furnished are deemed satisfactory, the certificate of discharge shall be signed, with a reservation entered, both in box 20 of voucher No. 2 and in box 5 of the counterfoil, to the effect that:

"A delay of is noted,
caused, according to the driver's declaration, by"

238. When a TIR operation begins at a frontier Customs office, the steps corresponding both to a Customs office of departure and to a Customs office of exit en route shall be performed at that office.

2. At customs offices of entry en route

239. When the documents are found to be in order, the Customs office of entry en route shall fill in boxes 20 to 25 of the next available set of vouchers Nos. 1 and 2 and their respective counterfoils, detach voucher No. 1, and then permit the vehicle or container to depart.

240. In some countries the Customs offices of entry en route record voucher No. 1 in a special book having the same boxes as those provided in respect of exit en route, and keep it on file until the Customs office of exit en route or of destination returns the corresponding voucher No. 2 or its bottom portion.

241. If the Customs office inspects the goods and is satisfied, it shall note this in a brief endorsement in the blank space at the bottom of voucher No. 1, as well as on the counterfoil, and shall enter in box 4 of the counterfoil the numbers of the new seals affixed. Should the office not be satisfied, the vehicle or container may be temporarily detained.

242. The Customs office of entry en route may turn back the carrier to the Customs office of exit of the adjacent country if it finds that no clearance has been given by that office or that clearance has not been given in due form. In such cases the Customs office of entry inserts a note in the TIR carnet for the Customs office of exit concerned (chapter 5, annex 6, article 21, paragraph 2).

243. When a TIR operation ends at a frontier Customs office, the steps corresponding both to a Customs office of entry en route and to a Customs office of destination shall be performed at that office.

D. At the customs office of destination

244. The term "Customs office of destination" means any Customs office of a Contracting Party where the international transport of a load or part-load of goods under the TIR procedure ends (chapter 5, article 1, paragraph (g)).

245. At Customs offices of destination, the road transport vehicle, the combination of vehicles or the container shall be produced for purposes of inspection to the Customs authorities together with the load and the TIR carnet relating thereto (chapter 5, article 21). The certificate of approval of the vehicle shall also be produced.

246. Subject to the provisions of the Convention and in particular of paragraph 199, another Customs office of destination may be substituted for a Customs office of destination originally indicated (chapter 5, article 27).

247. On arrival of the load at the Customs office of destination, and once the goods are placed under another system of Customs control or are cleared for home use, discharge of the TIR carnet shall take place without delay (chapter 5, article 28).

248. The use of the TIR carnet must be restricted to the function which it was intended to cover, namely to expedite the customs transit of goods. The TIR carnet must not, for example, be used to cover the storage of goods under Customs control at destination. Where no irregularity has taken place, the office of destination must discharge the TIR carnet according to the stipulation of paragraph 247. In practice discharge must be given as soon as the goods have been directly re-exported (as, for example, when they are shipped on arrival at a port), or as soon as a declaration for Customs purposes has been made at the place of destination, or as soon as the goods have been received into a place approved for storage while awaiting a declaration for Customs purposes (for example, a transit shed), in accordance with the regulations in force in the country of destination (chapter 5, annex 6, article 28, paragraph 1).

249. The TIR carnet may be discharged unconditionally or conditionally or conditionally; where discharge is conditional this shall be on account of facts connected with the TIR operation itself. These facts shall be clearly

indicated in the TIR carnet (chapter 5, article 10, paragraph 1).

250. When the Customs authorities of a country have discharged a TIR carnet unconditionally they can no longer claim from the guaranteeing association payment of the sums mentioned in paragraphs 294 and 295, unless the certificate of discharge was obtained in an improper or fraudulent manner (chapter 5, article 10, paragraph 2).

251. The certificate of discharge of the TIR carnet shall be regarded as having been obtained in an improper or fraudulent manner when the TIR operation has been carried out by means of load compartments or containers adapted for fraudulent purposes, or when such malpractices as the use of false or inaccurate documents, the substitution of goods, tampering with Customs seal, etc., have been discovered, or when the certificate has been obtained by other illicit means (chapter 5, annex 6, article 10).

252. The following are the steps leading to the discharge of a TIR carnet covering the dispatch of imports.

- (a) When the vehicle or container enters the Customs precincts, the driver of the vehicle is requested by the entry control official to produce the carnet. In his presence, the condition and number of the Customs seals are checked as well as the general characteristics of the vehicles. If all is in order, the vehicle or container is allowed to move on to the Customs parking area.
- (b) Once the TIR carnet is in possession of the entry control official, he records it in the register, together with the date and time of entry, and any irregularities. Should there be an irregularity (sheet torn, securing rings detached, Customs seal strap in poor condition, too many hours taken on the journey from the preceding Customs office, etc.), the control official, in the presence of the driver, shall make out the appropriate endorsements in the carnet, which he shall hand in to the Customs office.
- (c) When the TIR carnet has been received in the Customs office, it is registered in the import or entry book, and the corresponding voucher No. 2 is detached, numbered and dated.
- (d) The Customs office keeps the TIR carnet in its possession, together with the voucher No. 2, while the formalities for the discharge or dispatch of the goods are initiated, and until whatever inspection may be deemed necessary has been carried out. If no irregularities are noted, the Customs office shall fill out normally and unconditionally the certificate

of discharge on voucher No. 2. It shall then send the voucher No. 2 or its bottom portion to the Customs office which has removed the preceding voucher No. 1, and shall return the carnet to whoever presented it. In the event that irregularities have been noted, the Customs office shall not fill out the certificate of discharge (boxes 26 to 30) of voucher No. 2, and the vehicle shall be provisionally detained until its release has been decided upon and any appropriate sanction has been formalized and paid.

253. Should there be several Customs offices of destination, the load for each of them shall be separately indicated on the voucher, both in boxes 11 to 13 and in the appropriate place in box 14.

254. The first Customs office of destination shall carry out its steps as indicated in the paragraphs above, and shall send the corresponding voucher No. 2 or its bottom portion to the Customs office which has removed the preceding voucher No. 1. It shall then act as if it were itself a Customs office of entry en route, signing the next set of vouchers and retaining voucher No. 1, which it shall keep until the subsequent receipt of its companion voucher No. 2 or the bottom portion of voucher No. 2. On the remaining vouchers in the carnet it shall write off, by a signed and stamped endorsement, the goods it has cleared.

255. The following Customs offices of destination, in succession, shall proceed likewise, until the last one clears the remainder of the goods and sends the corresponding voucher No. 2 or its bottom portion to the preceding Customs office of destination. All three Customs offices shall endorse space 28 on their respective certificates of discharge.

256. The TIR carnet contains an additional voucher No. 2, following the sets of vouchers Nos. 1 and 2, for exclusive and optional use of the Customs office of destination, the purpose of which is to serve as a liaison document between the TIR regime and the national customs regime under which the goods are placed in the country of destination.

257. Whenever the carnet is retained due to conditional discharge or because its immediate return is not possible, the Customs office shall hand the driver of the vehicle a certificate reading as follows:

"The Customs Administration of, certifies that TIR carnet No., issued at, by the.....Association, has not been returned to the holder on account of

Atonof.....198 .

Signature of Customs official
and stamp of the Administration".

258. A TIR carnet which for any reason has been conditionally discharged, if withdrawn from the Customs office, must be returned to it in due course for the final discharge to be noted. As long as this endorsement is not made out, the documentary formalities of a TIR operation cannot be considered complete.

259. Once used, the carnet must be returned to the carrier's national association, duly cleared by all the Customs authorities concerned in the operation. The national association shall verify the accuracy of the discharges it contains before sending it to the international guaranteeing association which, after checking it, shall classify it in its files. The TIR carnets shall remain at the disposal of the Customs authorities until the expiry of the prescribed time limit.

260. A TIR operation may end at an interior Customs office, if one exists, in which the steps corresponding to a Customs office of destination shall be performed, after the steps corresponding to a Customs office of exit en route have been performed at the country's frontier Customs office. If, however, the TIR operation ends at a frontier Customs office, the steps corresponding both to a Customs office of entry en route and a Customs office of destination shall be performed at that office.

II. THE NATIONAL GUARANTEEING ASSOCIATION AND CARRIERS

A. Provision of the TIR carnet

261. Carriers shall submit a request to their national guaranteeing association for every TIR carnet they need. In chapter 5, annex 1 a facsimile of the TIR carnet is presented. The association shall issue TIR carnet only to those applicants of whom it has previously approved and who are signatory parties to the Declaration of Engagement.

262. The guaranteeing association shall fix the period of validity of the TIR carnet by specifying a final date of validity after which the carnet may not be presented for acceptance at the Customs office of departure (chapter 5, article 9, paragraph 1).

263. For its guarantee system, the international guaranteeing association IRU has established a period of validity of the TIR carnet of not longer than three months, and reserves the right to reduce this period. Exceptionally, it will permit the national guaranteeing association to grant a single extension of one month, if sound grounds exist.

264. Provided that it has been accepted by the Customs office of departure on or before the final date of validity, the carnet shall remain valid until the termination of the TIR operation at the Customs office of destination (chapter 5, article 9, paragraph 2).

265. The international guaranteeing association permits a carrier to request from the national guaranteeing association of the foreign country in which he is operating the TIR carnets essential for his return journey, if the carrier is the holder of a TIR carnet valid for the outward journey and issued in his name, for the vehicle concerned, by his national association, and he is able to support his claim that he could not foresee, at the start of his outward journey, the number of TIR carnets he would need for his return journey. This right is withdrawn if the applicant's national association raises objections to the issue of such carnets. For this reason it is necessary for the association thus approached to get into touch with the national association of the applicant with a view to ascertaining whether the latter is empowered to effect transport operations under cover of the TIR procedure. The maximum period of validity of a TIR carnet issued in these conditions shall not exceed 30 days.

266. The national guaranteeing association shall suspend, temporarily or permanently, the issue of TIR carnets to a holder who has made improper or fraudulent use thereof.

267. A single TIR carnet shall be made out in respect of each road transport vehicle or container. However, a single TIR carnet may be made out in respect of a combination of vehicles or for several containers loaded on to a single road vehicle or on to a combination of vehicles. In that case the TIR manifest of the goods covered by the TIR carnet shall list separately the contents of each vehicle in the combination of vehicles or of each container (chapter 5, article 17, paragraph 1).

268. The TIR carnet shall be valid for one journey only. It shall contain at least the number of detachable vouchers for Customs acceptance and for discharge which are necessary for the transport operation in question (chapter 5, article 17, paragraph 2).

B. Format and use of the TIR carnet

269. The first page of the TIR carnet, which is thicker than the rest, serves at the same time as a cover page of the carnet.

270. On issuing a TIR carnet, the association shall fill in lines 1, 2, 3 and 4 (signature and stamp) of the cover page, and the rest of the page shall be filled in by the holder of the carnet.

271. On the cover page the "Rules regarding the use of the TIR carnet" are summarized. They are divided into the following three sections:

A. General;

B. How to fill in the TIR carnet, and

C. Incidents or accidents.

272. The first page after the cover page contains voucher No. 1/No. 2, in the left-hand margin of which the following legend is printed vertically: "This form is not to be used by Customs control authorities". Furthermore, in the upper portion of the page appear in five languages the words: "Do not detach. This page is to be filled in and kept attached to the carnet".

273. Then follow 6, 14 or 20 sets of pages, according to the number of Customs offices which are being passed through, each of which consists of two pages: voucher No. 1 and voucher No. 2. Voucher No. 1 is called the "acceptance page", since the Customs office which removes it from the carnet accepts control of that TIR operation. Voucher No. 2 is called the "discharge page", because the Customs office following the one which has removed the preceding voucher No. 1 detaches it from the carnet, and considers the control of the previous Customs office to be terminated. This second Customs office sends the corresponding voucher No. 2 or its bottom portion to the preceding Customs office so that it may have proof of said discharge.

274. The use of sets of two vouchers enables the Customs authorities to control TIR operations effected in their territory by matching up the pair of vouchers used in each operation and checking whether they have been conditionally or unconditionally discharged.

275. Following sets of vouchers Nos. 1 and 2, there is an additional voucher No. 2, which does not have a counterfoil on its bottom portion, for the exclusive and optional use of the Customs office of destination. This voucher may serve as a liaison document between the TIR regime and the national customs regime under which the goods are placed in the country of destination.

276. After additional voucher No. 2 comes the "Certified report", used for recording the details of any incidents or accidents that may occur during a TIR operation.

277. Lastly, there is thicker page of the same type as the front cover that serves as back cover. This page contains the "Rules for the use of the TIR carnet", printed in Portuguese. These appear in Spanish on the back of the front cover page.

278. Thus, in summary, the following will always remain in the carnet: front page and back page, the counterfoils of all the vouchers used, the "Certified report", voucher No. 1/No. 2 and additional voucher No. 2 when it is not used at the Customs office of destination. The carnets will remain on file at the headquarters of the international guaranteeing association. Each voucher No. 1 will be kept on file together with the consecutive voucher No. 2 or its bottom portion, in the Customs office which has removed voucher No. 1. It is for the countries to decide whether their Customs office shall send the entire voucher No. 2 to the Customs office which has removed voucher No. 1, or whether they shall send only the bottom portion of voucher No. 2 and file the rest of the voucher in the Customs office which is completing it.

279. The TIR carnet shall be filled out by typewriter, in accordance with the rules laid down on the back of the cover page of the carnet. One TIR carnet shall be used for each vehicle, combination of vehicles or container and for each transport journey.

C. Control of the TIR carnet

280. The holder of the TIR carnet shall immediately return every used and duly discharged TIR carnet to the issuing national guaranteeing association. Similarly, he shall return to the association any unused TIR carnet when its period of validity expires.

281. The national guaranteeing association shall take all steps required to ensure that the time-limits which it has set for the return of TIR carnets and which are incorporated in the declaration of engagement signed by the carrier are duly complied with.

282. The national guaranteeing association shall verify that the used TIR carnet has been duly discharged by all the Customs authorities involved in each transport operation. If this is not the case, it shall request the holder of the carnet to obtain its discharge at the earliest possible moment.

III. THE CUSTOMS AUTHORITIES, THE NATIONAL GUARANTEEING ASSOCIATION AND THE CARRIERS

A. Provisions relating to the transport of heavy or bulky goods

283. The term "heavy or bulky goods" means any heavy or bulky object which because of its weight, size or nature is not normally carried in a closed road vehicle or closed container (chapter 5, article 1, paragraph (k)).

284. All the provisions of the Convention, save those to which the special provisions of this section make an exception, shall apply to the transport of heavy or bulky goods under the TIR procedure (chapter 5, article 30).

285. The provisions of this section shall apply only if, in the opinion of the authorities at the Customs office of departure, the heavy or bulky goods carried and any

accessories carried with them can be easily identified by reference to the description given, or can be provided with Customs seals and/or identifying marks so as to prevent any substitution, or removal of the goods, without it being obvious (chapter 5, article 29, paragraph 3).

286. It is the responsibility of the Customs office of departure to make sure that the other conditions established in paragraph 285 for the transport of heavy or bulky goods are met. Customs offices of other Contracting Parties shall accept the decision of the Customs office of departure unless in their opinion it is clearly in conflict with the provisions of that paragraph (chapter 5, annex 6, article 29).

287. Where the provisions of this section apply, heavy or bulky goods may, if the authorities at the Customs office of departure so decide, be carried by means of non-sealed vehicles or containers (chapter 5, article 29, paragraph 2).

288. No certificate of approval is required for road vehicles or containers transporting heavy or bulky goods (chapter 5, annex 6, article 29).

289. The liability of the guaranteeing association shall cover not only the goods enumerated in the TIR carnet, but also any goods which, though not enumerated in the carnet, are on the load platform or among the goods enumerated in the TIR carnet (chapter 5, article 31).

290. The cover and all vouchers of the TIR carnet used for this type of transport shall bear the endorsement "heavy or bulky goods" in bold letters in English or in French (chapter 5, article 32).

291. The authorities at the Customs office of departure may require such packing lists, photographs, drawings, etc., as are necessary for the identification of the goods carried to be appended to the TIR carnet. In this case they shall endorse these documents, one copy of the said documents shall be attached to the inside of the page which serves as the cover page of the TIR carnet and all the manifests of the TIR carnet shall include a reference to such documents (chapter 5, article 33).

292. The authorities at the Customs offices en route of each of the Contracting Parties shall accept the Customs seals and the identifying marks affixed by the competent authorities of other Contracting Parties. They may, however, affix additional seals and identifying marks; they shall record particulars of the new seals and/or identifying marks on the vouchers of the TIR carnet used in their respective countries, on the corresponding counterfoils and on the vouchers remaining in the TIR carnet (chapter 5, article 34).

293. If Customs authorities conducting an examination of the load at a Customs office en route or in the course of the journey are obliged to break seals or remove identifying marks, they shall record the new seals and the new identifying marks on the vouchers of the TIR carnet used in their country, on the corresponding counterfoils and on the vouchers remaining in the TIR carnet (chapter 5, article 35).

B. In case of irregularity or doubt

294. The national guaranteeing association shall undertake to pay the import or export duties and taxes, together with any default interest, due under the Customs laws and regulations of the country in which an irregularity has been noted in connexion with a TIR operation. It shall be liable, jointly and severally with the persons from whom the sums mentioned above are due, for payment of such sums (chapter 5, article 8, paragraph 1).

295. In cases where the laws and regulations of a Contracting Party do not provide for payment of import or export duties and taxes as provided for in the foregoing paragraph, the national guaranteeing association shall undertake to pay, under the same conditions, a sum equal to the amount of the import or export duties and taxes and any default interest (chapter 5, article 8, paragraph 2).

296. Each Contracting Party shall determine the maximum sum per TIR carnet, which may be claimed from the national guaranteeing association (chapter 5, article 8, paragraph 3).

297. Customs authorities are recommended to limit to a sum equal to US\$50 000 per TIR carnet the maximum amount which may be claimed from the national guaranteeing association (chapter 5, in annex 6, article 8).

298. The liability of the national guaranteeing association to the authorities of the country where the Customs office of departure is situated commences at the time when the TIR carnet is accepted by the Customs office. In the succeeding countries through which goods are transported under the TIR procedure, this liability shall commence at the time when the goods are imported or, where the TIR operation has been suspended under the provisions of paragraphs 203 and 204, at the time when the TIR carnet is accepted by the Customs office where the TIR operation is resumed (chapter 5, article 8, paragraph 4).

299. The liability of the national guaranteeing association shall cover not only the goods which are enumerated in the TIR carnet but also any goods which, though not enumerated therein, may be contained in the sealed section of the road vehicle or in the sealed container. It shall not extend to any other goods (chapter 5, article 8, paragraph 5).

300. For the purpose of determining the duties and taxes mentioned in paragraphs 294 and 295 above, the particulars of the goods as entered in the TIR carnet shall, in the absence of evidence to the contrary, be assumed to be correct (chapter 5, article 8, paragraph 6).

301. In the absence in the TIR carnet of particulars detailed enough to enable charges on the goods to be determined, the parties concerned may produce evidence of their precise nature (chapter 5, in annex 6, article 8, paragraph 6).

302. If no evidence is furnished, duties and taxes will be charged, not at a flat rate unrelated to the nature of the goods, but at the highest rate applicable to the kind of goods covered by the particulars in the TIR carnet (chapter 5, annex 6, article 8, paragraph 6).

303. When payment of sums mentioned in paragraphs 294 and 295 above becomes due, the competent authorities shall so far as possible require payment from the person directly liable before making a claim against the national guaranteeing association (chapter 5, article 8, paragraph 7).

304. The TIR carnet may be discharged unconditionally or conditionally; where discharge is conditional this shall be on account of facts connected with the TIR operation itself. These facts shall be clearly indicated in the TIR carnet (chapter 5, article 10, paragraph 1).

305. When the Customs authorities of a country have discharged a TIR carnet unconditionally they can no longer claim from the national guaranteeing association payment of the sums referred to in paragraphs 294 and 295, unless the certificate of discharge was obtained in an improper or fraudulent manner (chapter 5, article 10, paragraph 2).

306. The certificate of discharge of the TIR carnet shall be regarded as having been obtained in an improper or fraudulent manner when the TIR operation has been carried out by means of load compartments or containers adapted for fraudulent purposes, or when such malpractices as the use of false or inaccurate documents, the substitution of goods, tampering with Customs seals, etc., have been discovered, or when the certificate has been obtained by other illicit means (chapter 5, annex 6, article 10).

307. Where a TIR carnet has not been discharged or has been discharged conditionally, the competent authorities shall not have the right to claim payment of the sums mentioned in paragraphs 294 and 295 from the national guaranteeing association unless, within a period of one year from the date of acceptance of the TIR carnet by those authorities, they have notified the association in writing of the non-discharge or conditional discharge. The same provision shall apply where the certificate of discharge was obtained in an improper or fraudulent manner, save that the period shall be two years (chapter 5, article 11, paragraph 1).

308. In deciding whether or not to release the goods or vehicle, Customs authorities should not, when they have other means in law of protecting the interests for which they are responsible, be influenced by the fact that the national guaranteeing association is liable for the payment of duties, taxes and default interest payable by the holder of the carnet (chapter 5, annex 6, article 11, paragraph 1).

309. The claim for payment of the sums referred to in paragraphs 294 and 295 shall be made to the national guaranteeing association, at the earliest three months after the date on which the association was informed that the carnet had not been discharged or had been discharged conditionally or that the certificate of discharge had been obtained in an improper or fraudulent manner and at the latest not more than two years after that date. However, in those cases which, during the abovementioned period of two years, become the subject of legal proceedings, any claim for payment shall be made within one year of the date on which the decision of the court becomes enforceable (chapter 5, article 11, paragraph 2).

310. The guaranteeing association shall have a period of three months, from the date when a claim for payment is made to it, in which to pay the amounts claimed. The sums paid shall be reimbursed to the association if, within the two years following the date on which the claim for payment was made, it has been established to the satisfaction of the Customs authorities that no irregularity was committed in connexion with the transport operation in question (chapter 5, article 11, paragraph 3).

311. If a national guaranteeing association is asked, in accordance with the procedure established in paragraph 309 to pay the sums referred to in paragraphs 294 and 295 and that association fails to do so within the time-limit of three months prescribed by the Convention, the competent authorities may rely on national regulations to require payment of the sums in question because what is involved in such cases is a failure to carry out a contract of guarantee entered into by the guaranteeing association under national law (chapter 5, annex 6, article 11, paragraph 2).

312. Any breach of the provisions of the Convention shall render the offender liable, in the country where the offence was committed, to the penalties prescribed by the law of that country (chapter 5, article 35).

313. When it is not possible to establish in which territory an irregularity occurred, it shall be deemed to have been committed in the territory of the Contracting Party where it is detected (chapter 5, article 37).

314. Each of the Contracting Parties shall have the right to exclude temporarily or permanently from the operation of this Convention any person guilty of a serious offence against the Customs laws or regulations applicable to the international transport of goods (chapter 5, article 38, paragraph 1).

315. This exclusion shall be notified immediately to the Customs authorities of the Contracting Party on whose territory the person concerned is established or resident, and also to the guaranteeing association(s) in the country where the offence has been committed (chapter 5, article 38, paragraph 2).

316. A business enterprise should not be excluded from the TIR system because of offences committed by one of its drivers without the knowledge of its management (chapter 5, annex 5, article 38, paragraph 1).

317. Where a Contracting Party has been notified that a person established or resident in its territory has committed an offence on the territory of a foreign country, it need not cease to allow the issue of TIR carnets to that person (chapter 5, annex 5, article 38, paragraph 2).

318. When TIR operations are accepted as being otherwise in order (chapter 5, article 39):

- (a) the Contracting Parties shall disregard minor discrepancies in the observance of time-limits or routes prescribed;
- (b) likewise, discrepancies between the particulars on the goods manifest of the TIR carnet and the actual contents of a road vehicle, combination of vehicles or containers shall not be considered as infringements of the Convention by the holder of the TIR carnet when evidence is produced to the satisfaction of the competent authorities that these discrepancies were not due to mistakes committed knowingly or through negligence at the time when the goods were loaded or dispatched or when the manifest was made out.

319. The expression "mistakes committed through negligence" is to be taken to mean acts which, although not committed deliberately and in full knowledge of the facts, are due to a failure to take reasonable and necessary steps to ensure the accuracy of the facts in any particular case (chapter 5, annex 6, article 39).

320. The Customs administrations of the countries of departure and of destination shall not consider the holder of the TIR carnet responsible for the discrepancies which may be discovered in those countries, when the discrepancies in fact relate to the Customs procedures which preceded or followed a TIR operation and in which the holder was not involved (chapter 5, article 40).

321. When it is established to the satisfaction of the Customs authorities that goods specified on the manifest of a TIR carnet have been destroyed or have been irrecoverably lost by accident or force majeure or that they are short by reason of their nature, payment of the duties and taxes normally due shall be waived (chapter 5, article 41).

322. Since the TIR Convention is strictly a customs agreement to facilitate, from an operational and documental point of view, the customs transit of vehicles, containers and goods between signatory countries, it is essential for Customs offices of those countries to permanently maintain a high level of trust and an attitude of co-operation in all aspects connected with its implementation.

323. On receipt from a Contracting Party of a request giving the relevant reasons, the competent authorities of the Contracting Parties concerned in a TIR operation shall furnish that Contracting Party with all the available information needed for implementation of the provisions of paragraphs 318, 319, 320 and 321 (chapter 5, article 42).

C. Rules to be observed in the event of incidents or accidents en route

324. The rules that must be observed by drivers of vehicles in the event of incidents or accidents occurring en route appear on the back of the TIR carnet cover page (chapter 5, annex 1).

325. If it is not possible to secure the presence of Customs authorities to take cognizance of the incident or accident and issue the certified report, the driver of the vehicle should resort to other competent authorities of the country in which he is operating. These may be highway traffic police or officers from the nearest police station.

Chapter 4

MATTERS RELATING TO THE GENERAL ADMINISTRATION OF THE CONVENTION

A. Concession of other transit facilities

326. Nothing in the TIR Convention shall prevent Contracting Parties which form a Customs or economic union from enacting special provisions in respect of transport operations commencing or terminating in, or passing through, their territories, provided that such provisions do not attenuate the facilities provided for by the Convention (chapter 5, article 48).

327. The TIR Convention shall not prevent the application of greater facilities which Contracting Parties grant or may wish to grant either by unilateral provisions or in virtue of bilateral or multilateral agreements provided that such facilities do not impede the application of the provisions of this Convention, and in particular, TIR operations (chapter 5, article 49).

B. Denunciation of the Convention

328. Any Contracting Party may denounce the Convention by so notifying the Secretary-General of the United Nations (chapter 5, article 54, paragraph 1).

329. Denunciation shall take effect fifteen months after the date of receipt by the Secretary-General of the notification of denunciation (chapter 5, article 54, paragraph 2).

330. The validity of TIR carnets accepted by the Customs office of departure before the date when the denunciation takes effect shall not be affected thereby and the guarantee of the guaranteeing association shall hold good in accordance with the provisions of the Convention (chapter 5, article 54, paragraph 3).

C. Disputes concerning the application of the convention

331. Any dispute between two or more Contracting Parties concerning the interpretation or application of the Convention shall, so far as possible, be settled by negotiation between them or other means of settlement (chapter 5, article 57, paragraph 1).

332. Any dispute between two or more Contracting Parties concerning the interpretation or application of this Convention which cannot be settled by the means indicated in paragraph 331 shall, at the request of one of them, be referred to an arbitration tribunal composed as follows: each party to the dispute shall appoint an arbitrator and these arbitrators shall appoint another arbitrator, who shall be chairman. If, three months after receipt of a request, one of the parties has failed to appoint an arbitrator or if the arbitrators have failed to elect the chairman, any of the parties may request the Secretary-General of the United Nations to appoint an arbitrator or the chairman of the arbitration tribunal (chapter 5, article 57, paragraph 2).

333. The decision of the arbitration tribunal established under the provisions of the foregoing paragraph shall be binding on the parties to the dispute (chapter 5, article 57, paragraph 3).

334. The arbitration tribunal shall determine its own rules of procedure (chapter 5, article 57, paragraph 4).

335. Decisions of the arbitration tribunal shall be taken by majority vote (chapter 5, article 57, paragraph 5).

336. Any controversy which may arise between the parties to the dispute as regards the interpretation and execution of the award may be submitted by any of the parties for judgement to the arbitration tribunal which made the award (chapter 5, article 57, paragraph 6).

D. Procedures for amendment, termination and notifications of the convention

337. The TIR Convention, including its annexes, may be amended upon the proposal of a Contracting Party by the procedure specified below (chapter 5, article 59, paragraph 1).

338. Any proposed amendment to the Convention shall be considered in an Administrative Committee composed of all the Contracting Parties in accordance with the rules of procedure established. Any such amendment considered or prepared during the meeting of the Administrative Committee and adopted by it by a two-thirds majority of the members present and voting shall be communicated by the Secretary-General of the United Nations to the Contracting Parties for their acceptance (chapter 5, article 59, paragraph 2).

339. Except for amendments to annexes 1 to 7 of the Convention any proposed amendment adopted and communicated in accordance with the preceding paragraph shall come into force with respect to all Contracting Parties three months after the expiry of a period of twelve months following the date of communication of the proposed amendment, during which period no objection to the proposed amendment has been communicated to the Secretary-General of the United Nations by a State which is a Contracting Party (chapter 5, article 49).

340. If an objection to the proposed amendment has been communicated outside of the time period stipulated in the provisions of the preceding paragraph, the objection shall be deemed not to have been accepted and shall have no effect whatsoever (chapter 5, article 59, paragraph 4).

341. Any amendment proposed to annexes 1 to 7 of the Convention (chapter 5) and considered in accordance with the procedure laid down, shall come into force on a date to be determined by the Administrative Committee at the time of its adoption, unless by a prior date determined by the Administrative Committee at the same time, one-fifth of the States which are Contracting Parties or five of those States, if the latter number is less than one-fifth, notify the Secretary-General of the United Nations of their objection to the amendment. Determination by the Administrative Committee of the dates referred to in this paragraph shall be by a two-thirds majority of those present and voting (chapter 5, article 60, paragraph 1).

342. On entry into force, any amendment adopted in accordance with the procedures set out in the foregoing paragraph shall for all Contracting Parties replace and supersede any previous provisions to which the amendment refers (chapter 5, article 60, paragraph 2).

343. The Secretary-General of the United Nations shall inform all states which are Contracting Parties or which may become so under the provisions of the Convention, of any request, communication or objection relating to the TIR Convention and of the date on which any amendment enters into force (chapter 5, article 61).

344. Any State which is a Contracting Party may, by notification to the Secretary-General of the United Nations, request that a conference be convened for the purpose of reviewing the Convention (chapter 5, article 62, paragraph 1).

345. A review conference to which all States which are or may become Contracting Parties to the TIR Convention shall be invited, shall be convened by the Secretary-General of the United Nations if, within a period of six months following the date of notification by the Secretary-General, not less than one-fourth of the States which are Contracting Parties notify him of their concurrence with the request (chapter 5, article 62, paragraph 2).

346. A review conference to which all Contracting Parties shall be invited shall also be convened by the Secretary-General of the United Nations upon notification of a request by the Administrative Committee. The Administrative Committee shall make a request if agreed to by a majority of those present and voting in the Committee (chapter 5, article 62, paragraph 3).

347. If a conference is convened in pursuance of the provisions of paragraphs 344, 345 and 346, the Secretary-General of the United Nations shall so advise all the Contracting Parties and invite them to submit, within a period of three months, the proposals which they wish the conference to consider. The Secretary-General of the United Nations shall circulate to all Contracting Parties the provisional agenda for the conference, together with the texts of such proposals, at least three months before the date on which the conference is to meet (chapter 5, article 62, paragraph 4).

348. If, after the entry into force of the Convention, the number of States which are Contracting Parties is for any period of twelve consecutive months reduced to less than five, the Convention shall cease to have effect from the end of the twelve-month period (chapter 5, article 55).

349. In addition to the notification and communication referred to above, the Secretary-General of the United Nations shall notify all the States which are or may become Contracting Parties of the following (chapter 5, article 63):

- (a) Signatures, ratifications, acceptances, approvals and accessions;
- (b) Denunciations made;
- (c) Termination of the Convention;

(d) Reservation formulated

350. The original of the TIR Convention is deposited with the Secretary-General of the United Nations (chapter 5, article 64).

Chapter 5

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

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

THE CONTRACTING PARTIES,

DESIRING to facilitate the international carriage of goods by road vehicle,

CONSIDERING that the improvement of the conditions of transport constitutes one of the factors essential to the development of co-operation among them,

DECLARING themselves in favour of a simplification and a harmonization of administrative formalities in the field of international transport, in particular at frontiers,

HAVE AGREED as follows:

Chapter I

GENERAL

(a) DEFINITIONS

Article 1

For the purposes of this Convention:

(a) The term "TIR operation" shall mean the transport of goods from a Customs office of departure to a Customs office of destination under the procedure, called the "TIR procedure", laid down in this Convention;

(b) the term "import or export duties and taxes" shall mean Customs duties and all other duties, taxes, fees and other charges which are collected on, or in connexion with, the import or export of goods, but not including fees and charges limited in amount to the approximate cost of services rendered;

(c) the term "road vehicle" shall mean not only any power-driven road vehicle but also any trailer or semi-trailer designed to be coupled thereto;

(d) the term "combination of vehicles" shall mean coupled vehicles which travel on the road as a unit;

(e) the term "container" shall mean an article of transport equipment (lift-van, movable tank or other similar structure):

(i) fully or partially enclosed to constitute a compartment intended for containing goods;

(ii) of a permanent character and accordingly strong enough to be suitable for repeated use;

- (iii) specially designed to facilitate the transport of goods by one or more modes of transport without intermediate reloading;
 - (iv) designed for ready handling, particularly when being transferred from one mode of transport to another;
 - (v) designed to be easy to fill and to empty; and
 - (vi) having an internal volume of one cubic metre or more;
- "Demountable bodies" are to be treated as containers;

(f) the term "Customs office of departure" shall mean any Customs office of a Contracting Party where the international transport of a load or part-load of goods under the TIR procedure begins;

(g) the term "Customs office of destination" shall mean any Customs office of a Contracting Party where the international transport of a load or part-load of goods under the TIR procedure ends;

(h) the term "Customs office en route" shall mean any Customs office of a Contracting Party through which a road vehicle, combination of vehicles or container is imported or exported in the course of a TIR operation;

(j) the term "person" shall mean both natural and legal persons;

(k) the term "heavy or bulky goods" shall mean any heavy or bulky object which because of its weight, size or nature is not normally carried in a closed road vehicle or closed container;

(l) the term "guaranteeing association" shall mean an association approved by the Customs authorities of a Contracting Party to act as surety for persons using the TIR procedure.

(b) SCOPE

Article 2

This Convention shall apply to the transport of goods without intermediate reloading, in road vehicles, combinations of vehicles or in containers, across one or more frontiers between a Customs office of departure of one Contracting Party and a Customs office of destination of another or of the same Contracting Party, provided that some portion of the journey between the beginning and the end of the TIR operation is made by road.

Article 3

For the provisions of this Convention to become applicable:

(a) the transport operations must be performed

(i) by means of road vehicles, combinations of vehicles or containers previously approved under the conditions set forth in Chapter III (a); or

(ii) by means of other road vehicles, other combinations of vehicles or other containers under the conditions set forth in Chapter III (c);

(b) the transport operations must be guaranteed by associations approved in accordance with the provisions of article 6 and must be performed under cover of a TIR carnet, which shall conform to the model reproduced in annex 1 to this Convention.

(c) PRINCIPLES

Article 4

Goods carried under the TIR procedure shall not be subjected to the payment or deposit of import or export duties and taxes at Customs offices en route.

Article 5

1. Goods carried under the TIR procedure in sealed road vehicles, combinations of vehicles or containers shall not as a general rule be subjected to examination at Customs offices en route.
2. However, to prevent abuses, Customs authorities may in exceptional cases, and particularly when irregularity is suspected, carry out an examination of the goods at such offices.

Chapter II

ISSUE OF TIR CARNETS

LIABILITY OF GUARANTEEING ASSOCIATIONS

Article 6

1. Subject to such conditions and guarantees as it shall determine, each Contracting Party may authorize associations to issue TIR carnets, either directly or through corresponding associations, and to act as guarantors.

2. An association shall not be approved in any country unless its guarantee also covers the liabilities incurred in that country in connexion with operations under cover of TIR carnets issued by foreign associations affiliated to the same international organization as that to which it is itself affiliated.

Article 7

TIR carnet forms sent to the guaranteeing associations by the corresponding foreign associations or by international organizations shall not be liable to import and export duties and taxes and shall be free of import and export prohibitions and restrictions.

Article 8

1. The guaranteeing association shall undertake to pay the import or export duties and taxes, together with any default interest, due under the Customs laws and regulations of the country in which an irregularity has been noted in connexion with a TIR operation. It shall be liable, jointly and severally with the persons from whom the sums mentioned above are due, for payment of such sums.

2. In cases where the laws and regulations of a Contracting Party do not provide for payment of import or export duties and taxes as provided for in paragraph 1 above, the guaranteeing association shall undertake to pay, under the same conditions, a sum equal to the amount of the import or export duties and taxes and any default interest.

3. Each Contracting Party shall determine the maximum sum per TIR carnet, which may be claimed from the guaranteeing association on the basis of the provisions of paragraphs 1 and 2 above.

4. The liability of the guaranteeing association to the authorities of the country where the Customs office of departure is situated shall commence at the time when the TIR carnet is accepted by the Customs office. In the succeeding countries through which goods are transported under the TIR procedure, this liability shall commence at the time when the goods are imported or, where the TIR operation has been suspended under article 26, paragraphs 1 and 2, at the time when the TIR carnet is accepted by the Customs office where the TIR operation is resumed.

5. The liability of the guaranteeing association shall cover not only the goods which are enumerated in the TIR carnet but also any goods which, though not enumerated therein, may be contained in the sealed section of the road vehicle or in the sealed container. It shall not extend to any other goods.

6. For the purpose of determining the duties and taxes mentioned in paragraphs 1 and 2 of this article, the particulars of the goods as entered in the TIR carnet shall, in the absence of evidence to the contrary, be assumed to be correct.

7. When payment of sums mentioned in paragraphs 1 and 2 of this article becomes due, the competent authorities shall so far as possible require payment from the person or persons directly liable before making a claim against the guaranteeing association.

Article 9

1. The guaranteeing association shall fix the period of validity of the TIR carnet by specifying a final date of validity after which the carnet may not be presented for acceptance at the Customs office of departure.

2. Provided that it has been accepted by the Customs office of departure on or before the final date of validity, as provided for in paragraph 1 of this article, the carnet shall remain valid until the termination of the TIR operation at the Customs office of destination.

Article 10

1. The TIR carnet may be discharged unconditionally or conditionally; where discharge is conditional this shall be on account of facts connected with the TIR operation itself. These facts shall be clearly indicated in the TIR carnet.

2. When the Customs authorities of a country have discharged a TIR carnet unconditionally they can no longer claim from the guaranteeing association payment of the sums mentioned in article 6, paragraphs 1 and 2, unless the certificate of discharge was obtained in an improper or fraudulent manner.

Article 11

1. Where a TIR carnet has not been discharged or has been discharged conditionally, the competent authorities shall not have the right to claim payment of the sums mentioned in article 6, paragraphs 1 and 2, from the guaranteeing association unless, within a period of one year from the date of acceptance of the TIR carnet by those authorities, they have notified the association in writing of the non-discharge or conditional discharge. The same provision shall apply where the certificate of discharge was obtained in an improper or fraudulent manner, save that the period shall be two years.

2. The claim for payment of the sums referred to in article 6, paragraphs 1 and 2, shall be made to the guaranteeing association at the earliest three months after the date on which the association was informed that the carnet had not been discharged or had been discharged conditionally or that the certificate of discharge had been obtained in an improper or fraudulent manner and at the latest not more than two years after that date. However, in cases which, during the above-mentioned period of two years, become the subject of legal proceedings, any claim for payment shall be made within one year of the date on which the decision of the court becomes enforceable.

3. The guaranteeing association shall have a period of three months, from the date when a claim for payment is made upon it, in which to pay the amounts claimed. The sums paid shall be reimbursed to the association if, within the two years following the date on which the claim for payment was made, it has been established to the satisfaction of the Customs authorities that no irregularity was committed in connexion with the transport operation in question.

Chapter III

TRANSPORT OF GOODS UNDER TIR CARNET

(a) APPROVAL OF VEHICLES AND CONTAINERS

Article 12

In order to fall within the provisions of sections (a) and (b) of this Chapter, every road vehicle must as regards its construction and equipment fulfil the conditions set out in annex 2 to this Convention and must have been approved according to the procedure laid down in annex 3 to this Convention. The certificate of approval shall conform to the specimen reproduced in annex 4.

Article 13

1. To fall within the provisions of sections (a) and (b) of this Chapter, containers must be constructed in conformity with the conditions laid down in Part I of annex 7 and must have been approved according to the procedure laid down in Part II of that annex.

2. Containers approved for the transport of goods under Customs seal in accordance with the Customs Convention on Containers, 1956, the agreements arising therefrom concluded under the auspices of the United Nations, the Customs Convention on Containers, 1972 or any international instruments that may supersede or modify the latter Convention, shall be considered as complying with the provisions of paragraph 1 above and must be accepted for transport under the TIR procedure without further approval.

Article 14

1. Each Contracting Party reserves the right to refuse to recognize the validity of the approval of road vehicles or containers which do not meet the conditions set forth in articles 12 and 13 above. Nevertheless, Contracting Parties shall avoid delaying traffic when the defects found are of minor importance and do not involve any risk of smuggling.

2. Before it is used again for the transport of goods under Customs seal, any road vehicle or container which no longer meets the conditions which justified its approval, shall be either restored to its original state, or presented for reapproval.

(b) PROCEDURE FOR TRANSPORT UNDER COVER OF A TIR CARNET

Article 15

1. No special Customs document shall be required in respect of the temporary importation of a road vehicle, combination of vehicles or container carrying goods under cover of the TIR procedure. No guarantee shall be required for the road vehicle or combination of vehicles or container.

2. The provisions of paragraph 1 of this article shall not prevent a Contracting Party from requiring the fulfilment at the Customs office of destination of the formalities laid down by its national regulations to ensure that, once the TIR operation has been completed, the road vehicle, the combination of vehicles or the container will be re-exported.

Article 16

When a road vehicle or combination of vehicles is carrying out a TIR operation, one rectangular plate bearing the inscription "TIR" and conforming to the specifications given in annex 5 to this Convention, shall be affixed to the front and another to the rear of the road vehicle or combination of vehicles. These plates shall be so placed as to be clearly visible and shall be removable.

Article 17

1. A single TIR carnet shall be made out in respect of each road vehicle or container. However, a single TIR carnet may be made out in respect of a combination of vehicles or for several containers loaded on to a single road vehicle or on to a combination of vehicles. In that case the TIR manifest of the goods covered by the TIR carnet shall list separately the contents of each vehicle in the combination of vehicles or of each container.

2. The TIR carnet shall be valid for one journey only. It shall contain at least the number of detachable vouchers for Customs acceptance and for discharge which are necessary for the transport operation in question.

Article 18

A TIR operation may involve several Customs offices of departure and destination, but, save as may otherwise be authorized by the Contracting Party or Parties concerned,

(a) the Customs offices of departure shall be situated in only one country;

(b) the Customs offices of destination shall be situated in not more than two countries;

(c) the total number of Customs offices of departure and destination shall not exceed four.

Article 19

The goods and the road vehicle, the combination of vehicles or the container shall be produced with the TIR carnet at the Customs office of departure. The Customs authorities of the country of departure shall take such measures as are necessary for satisfying themselves as to the accuracy of the goods manifest and either for affixing the Customs seals or for checking Customs seals affixed under the responsibility of the said Customs authorities by duly authorized persons.

Article 20

For journeys in the territory of their country, the Customs authorities may fix a time-limit and require the road vehicle, the combination of vehicles or the container to follow a prescribed route.

Article 21

At each Customs office en route and at Customs offices of destination, the road vehicle, the combination of vehicles or the container shall be produced for purposes of control to the Customs authorities together with the load and the TIR carnet relating thereto.

Article 22

1. As a general rule and except when they examine the goods in accordance with article 5, paragraph 2, the Customs authorities of the Customs offices en route of each of the Contracting Parties shall accept the Customs seals of other Contracting Parties, provided that they are intact. The said Customs authorities may, however, if control requirements make it necessary, add their own seals.

2. The Customs seals thus accepted by a Contracting Party shall have in the territory of that Contracting Party the benefit of the same legal protection as is accorded to the national seals.

Article 23

The Customs authorities shall not

- require road vehicles, combinations of vehicles or containers to be escorted at the carriers' expense on the territory of their country
- require examination en route of road vehicles, combinations of vehicles or containers and their loads

except in special cases.

Article 24

If the Customs authorities conduct an examination of the load of a road vehicle, combination of vehicles or container in the course of the journey or at a Customs office en route, they shall record on the TIR carnet vouchers used in their country, on the corresponding counterfoils, and on the vouchers remaining in the TIR carnet, particulars of the new seals affixed and of the controls carried out.

Article 25

If the Customs seals are broken en route otherwise than in the circumstances of articles 24 and 35, or if any goods are destroyed or damaged without breaking of such seals, the procedure laid down in annex 1 to this Convention for the use of the TIR carnet shall, without prejudice to the possible application of the provisions of national law, be followed, and the certified report in the TIR carnet shall be completed.

Article 26

1. When transport under cover of a TIR carnet takes place in part in the territory of a State which is not a Contracting Party to this Convention, the TIR operation shall be suspended during that part of the journey. In that case, the Customs authorities of the Contracting Party on whose territory the journey continues shall accept the TIR carnet for the resumption of the TIR operation, provided that the Customs seals and/or identifying marks have remained intact.

2. The same shall apply where for a part of the journey the TIR carnet is not used by the holder of the carnet in the territory of a Contracting Party because of the existence of simpler Customs transit procedures or when the use of a Customs transit régime is not necessary.

3. In such cases the Customs offices where the TIR operation is suspended or resumed shall be deemed to be Customs offices of exit en route and Customs offices of entry en route respectively.

Article 27

Subject to the provisions of this Convention and in particular of article 18, another Customs office of destination may be substituted for a Customs office of destination originally indicated.

Article 28

On arrival of the load at the Customs office of destination, and provided that the goods are then placed under another system of Customs control or are cleared for home use, discharge of the TIR carnet shall take place without delay.

(c) PROVISIONS CONCERNING TRANSPORT OF HEAVY OR BULKY GOODS

Article 29

1. The provisions of this section apply only to the transport of heavy or bulky goods as defined in article 1, subparagraph (k), of this Convention.

2. Where the provisions of this section apply, heavy or bulky goods may, if the authorities at the Customs office of departure so decide, be carried by means of non-sealed vehicles or containers.

3. The provisions of this section shall apply only if, in the opinion of the authorities at the Customs office of departure, the heavy or bulky goods carried and any accessories carried with them can be easily identified by reference to the description given, or can be provided with Customs seals and/or identifying marks so as to prevent any substitution, or removal of the goods, without it being obvious.

Article 30

All the provisions of this Convention, save those to which the special provisions of this section make an exception, shall apply to the transport of heavy or bulky goods under the TIR procedure.

Article 31

The liability of the guaranteeing association shall cover not only the goods enumerated in the TIR carnet, but also any goods which, though not enumerated in the carnet, are on the load platform or among the goods enumerated in the TIR carnet.

Article 32

The cover and all vouchers of the TIR carnet shall bear the endorsement "heavy or bulky goods" in bold letters in English or in French.

Article 33

The authorities at the Customs office of departure may require such packing lists, photographs, drawings, etc., as are necessary for the identification of the goods carried to be appended to the TIR carnet. In this case they shall endorse these documents, one copy of the said documents shall be attached to the inside of the cover page of the TIR carnet, and all the manifests of the TIR carnet shall include a reference to such documents.

Article 34

The authorities at the Customs offices en route of each of the Contracting Parties shall accept the Customs seals and/or identifying marks affixed by the competent authorities of other Contracting Parties. They may, however, affix additional seals and/or identifying marks; they shall record particulars of the new seals and/or identifying marks on the vouchers of the TIR carnet used in their country, on the corresponding counterfoils and on the vouchers remaining in the TIR carnet.

Article 35

If Customs authorities conducting an examination of the load at a Customs office en route or in the course of the journey are obliged to break seals and/or remove identifying marks, they shall record the new seals and/or identifying marks on the vouchers of the TIR carnet used in their country, on the corresponding counterfoils and on the vouchers remaining in the TIR carnet.

Chapter IV IRREGULARITIES

Article 36

Any breach of the provisions of this Convention shall render the offender liable, in the country where the offence was committed, to the penalties prescribed by the law of that country.

Article 37

When it is not possible to establish in which territory an irregularity occurred, it shall be deemed to have been committed in the territory of the Contracting Party where it is detected.

Article 38

1. Each of the Contracting Parties shall have the right to exclude temporarily or permanently from the operation of this Convention any person guilty of a serious offence against the Customs laws or regulations applicable to the international transport of goods.
2. This exclusion shall be notified immediately to the Customs authorities of the Contracting Party on whose territory the person concerned is established or resident, and also to the guaranteeing association(s) in the country where the offence has been committed.

Article 39

When TIR operations are accepted as being otherwise in order:

1. The Contracting Parties shall disregard minor discrepancies in the observance of time-limits or routes prescribed.
2. Likewise, discrepancies between the particulars on the goods manifest of the TIR carnet and the actual contents of a road vehicle, combination of vehicles or container shall not be considered as infringements of the Convention by the holder of the TIR carnet when evidence is produced to the satisfaction of the competent authorities that these discrepancies were not due to mistakes committed knowingly or through negligence at the time when the goods were loaded or dispatched or when the manifest was made out.

Article 40

The Customs administrations of the countries of departure and of destination shall not consider the holder of the TIR carnet responsible for the discrepancies which may be discovered in those countries, when the discrepancies in fact relate to the Customs procedures which preceded or followed a TIR operation and in which the holder was not involved.

Article 41

When it is established to the satisfaction of the Customs authorities that goods specified on the manifest of a TIR carnet have been destroyed or have been irrecoverably lost by accident or force majeure or that they are short by reason of their nature, payment of the duties and taxes normally due shall be waived.

Article 42

On receipt from a Contracting Party of a request giving the relevant reasons, the competent authorities of the Contracting Parties concerned in a TIR operation shall furnish that Contracting Party with all the available information needed for implementation of the provisions of articles 39, 40 and 41 above.

Chapter V

EXPLANATORY NOTES

Article 43

The Explanatory Notes set out in annex 6 and annex 7, Part III, interpret certain provisions of this Convention and its annexes. They also describe certain recommended practices.

Chapter VI
MISCELLANEOUS PROVISIONS

Article 44

Each Contracting Party shall provide the guaranteeing associations concerned with facilities for:

- (a) the transfer of the currency necessary for the sums claimed by the authorities of Contracting Parties by virtue of the provisions of article 8 of this Convention; and
- (b) the transfer of currency for payment for TIR carnet forms sent to the guaranteeing associations by the corresponding foreign associations or by the international organizations.

Article 45

Each Contracting Party shall cause to be published the list of the Customs offices of departure, Customs offices en route and Customs offices of destination approved by it for accomplishing TIR operations. The Contracting Parties of adjacent territories shall consult each other to agree upon corresponding frontier offices and upon their opening hours.

Article 46

1. No charge shall be made for Customs attendance in connexion with the Customs operations mentioned in this Convention, save where it is provided on days or at times or places other than those normally appointed for such operations.
2. Contracting Parties shall arrange to the fullest extent possible for Customs operations concerning perishable goods at Customs offices to be facilitated.

Article 47

1. The provisions of this Convention shall preclude neither the application of restrictions and controls imposed under national regulations on grounds of public morality, public security, hygiene or public health, or for veterinary or phytopathological reasons, nor the levy of dues chargeable by virtue of such regulations.
2. The provisions of this Convention shall not preclude the application of other provisions either national or international governing transport.

Article 48

Nothing in this Convention shall prevent Contracting Parties which form a Customs or economic union from enacting special provisions in respect of transport operations commencing or terminating in, or passing through, their territories, provided that such provisions do not attenuate the facilities provided for by this Convention.

Article 49

This Convention shall not prevent the application of greater facilities which Contracting Parties grant or may wish to grant either by unilateral provisions or in virtue of bilateral or multilateral agreements provided that such facilities do not impede the application of the provisions of this Convention, and in particular, TIR operations.

Article 50

The Contracting Parties shall communicate to one another, on request, information necessary for implementing the provisions of this Convention, and particularly information relating to the approval of road vehicles or containers and to the technical characteristics of their design.

Article 51

The annexes to this Convention form an integral part of the Convention.

Chapter VII
FINAL CLAUSES

Article 52

Signature, ratification, acceptance, approval and accession

1. All States Members of the United Nations or members of any of the specialized agencies or of the International Atomic Energy Agency or parties to the Statute of the International Court of Justice, and any other State invited by the General Assembly of the United Nations, may become Contracting Parties to this Convention:
 - (a) by signing it without reservation of ratification, acceptance or approval,
 - (b) by depositing an instrument of ratification, acceptance or approval after signing it subject to ratification, acceptance or approval, or
 - (c) by depositing an instrument of accession.
2. This Convention shall be open from 1 January 1976 until 31 December 1976 inclusive for signature at the Office of the United Nations at Geneva by the States referred to in paragraph 1 of this article. Thereafter it shall be open for their accession.
3. Customs or economic unions may, together with all their member States or at any time after all their member States have become Contracting Parties to this Convention, also become Contracting Parties to this Convention in accordance with the provisions of paragraphs 1 and 2 of this article. However, these unions shall not have the right to vote.
4. The instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the United Nations.

Article 53

Entry into force

1. This Convention shall enter into force six months after the date on which five States referred to in article 52, paragraph 1, have signed it without reservation of ratification, acceptance or approval or have deposited their instruments of ratification, acceptance, approval or accession.
2. After five States referred to in article 52, paragraph 1, have signed it without reservation of ratification, acceptance or approval, or have deposited their instruments of ratification, acceptance, approval or accession, this Convention shall enter into force for further Contracting Parties six months after the date of the deposit of their instruments of ratification, acceptance, approval or accession.
3. Any instrument of ratification, acceptance, approval or accession deposited after the entry into force of an amendment to this Convention shall be deemed to apply to this Convention as amended.
4. Any such instrument deposited after an amendment has been accepted but before it has entered into force shall be deemed to apply to this Convention as amended on the date when the amendment enters into force.

Article 54

Denunciation

1. Any Contracting Party may denounce this Convention by so notifying the Secretary-General of the United Nations.
2. Denunciation shall take effect fifteen months after the date of receipt by the Secretary-General of the notification of denunciation.
3. The validity of TIR carnets accepted by the Customs office of departure before the date when the denunciation takes effect shall not be affected thereby and the guarantee of the guaranteeing association shall hold good in accordance with the provisions of this Convention.

Article 55

Termination

If, after the entry into force of this Convention, the number of States which are Contracting Parties is for any period of twelve consecutive months reduced to less than five, the Convention shall cease to have effect from the end of the twelve-month period.

Article 56

Termination of the operation of the TIR Convention, 1959

1. Upon its entry into force, this Convention shall terminate and replace, in relations between the Contracting Parties to this Convention, the TIR Convention, 1959.
2. Certificates of approval issued in respect of road vehicles and containers under the conditions of the TIR Convention, 1959, shall be accepted during the period of their validity or any extension thereof for the transport of goods under Customs seal by Contracting Parties to this Convention, provided that such vehicles and containers continue to fulfil the conditions under which they were originally approved.

Article 57

Settlement of disputes

1. Any dispute between two or more Contracting Parties concerning the interpretation or application of this Convention shall, so far as possible, be settled by negotiation between them or other means of settlement.
2. Any dispute between two or more Contracting Parties concerning the interpretation or application of this Convention which cannot be settled by the means indicated in paragraph 1 of this article shall, at the request of one of them, be referred to an arbitration tribunal composed as follows: each party to the dispute shall appoint an arbitrator and these arbitrators shall appoint another arbitrator, who shall be chairman. If, three months after receipt of a request, one of the parties has failed to appoint an arbitrator or if the arbitrators have failed to elect the chairman, any of the parties may request the Secretary-General of the United Nations to appoint an arbitrator or the chairman of the arbitration tribunal.
3. The decision of the arbitration tribunal established under the provisions of paragraph 2 shall be binding on the parties to the dispute.
4. The arbitration tribunal shall determine its own rules of procedure.
5. Decisions of the arbitration tribunal shall be taken by majority vote.
6. Any controversy which may arise between the parties to the dispute as regards the interpretation and execution of the award may be submitted by any of the parties for judgment to the arbitration tribunal which made the award.

Article 58

Reservations

1. Any State may, at the time of signing, ratifying or acceding to this Convention, declare that it does not consider itself bound by article 57, paragraphs 2 to 6, of this Convention. Other Contracting Parties shall not be bound by these paragraphs in respect of any Contracting Party which has entered such a reservation.
2. Any Contracting Party having entered a reservation as provided for in paragraph 1 of this article may at any time withdraw such reservation by notifying the Secretary-General of the United Nations.
3. Apart from the reservations provided for in paragraph 1 of this article, no reservation to this Convention shall be permitted.

Article 59

Procedure for amending this Convention

1. This Convention, including its annexes, may be amended upon the proposal of a Contracting Party by the procedure specified in this article.
2. Any proposed amendment to this Convention shall be considered in an Administrative Committee composed of all the Contracting Parties in accordance with the rules of procedure set out in annex 8. Any such amendment considered or prepared during the meeting of the Administrative Committee and adopted by it by a two-thirds majority of the members present and voting shall be communicated by the Secretary-General of the United Nations to the Contracting Parties for their acceptance.
3. Except as provided for under article 60, any proposed amendment communicated in accordance with the preceding paragraph shall come into force with respect to all Contracting Parties three months after the expiry of a period of twelve months following the date of communication of the proposed amendment during which period no objection to the proposed amendment has been communicated to the Secretary-General of the United Nations by a State which is a Contracting Party.
4. If an objection to the proposed amendment has been communicated in accordance with paragraph 3 of this article, the amendment shall be deemed not to have been accepted and shall have no effect whatsoever.

Article 60

Special procedure for amending annexes 1, 2, 3, 4, 5, 6 and 7

1. Any proposed amendment to annexes 1, 2, 3, 4, 5, 6 and 7 considered in accordance with paragraphs 1 and 2 of article 59 shall come into force on a date to be determined by the Administrative Committee at the time of its adoption, unless by a prior date determined by the Administrative Committee at the same time, one-fifth or five of the States which are Contracting Parties, whichever number is less, notify the Secretary-General of the United Nations of their objection to the amendment. Determination by the Administrative Committee of the dates referred to in this paragraph shall be by a two-thirds majority of those present and voting.
2. On entry into force, any amendment adopted in accordance with the procedures set out in paragraph 1 above shall for all Contracting Parties replace and supersede any previous provisions to which the amendment refers.

Article 61

Requests, communications and objections

The Secretary-General of the United Nations shall inform all Contracting Parties and all States referred to in article 52, paragraph 1, of this Convention of any request, communication or objection under articles 59 and 60 above and of the date on which any amendment enters into force.

Article 62

Review Conference

1. Any State which is a Contracting Party may, by notification to the Secretary-General of the United Nations, request that a conference be convened for the purpose of reviewing this Convention.
2. A review conference to which all Contracting Parties and all States referred to in article 52, paragraph 1, shall be invited, shall be convened by the Secretary-General of the United Nations if, within a period of six months following the date of notification by the Secretary-General, not less than one-fourth of the States which are Contracting Parties notify him of their concurrence with the request.

3. A review conference to which all Contracting Parties and all States referred to in article 52, paragraph 1, shall be invited shall also be convened by the Secretary-General of the United Nations upon notification of a request by the Administrative Committee. The Administrative Committee shall make a request if agreed to by a majority of those present and voting in the Committee.

4. If a conference is convened in pursuance of paragraphs 1 or 3 of this article, the Secretary-General of the United Nations shall so advise all the Contracting Parties and invite them to submit, within a period of three months, the proposals which they wish the conference to consider. The Secretary-General of the United Nations shall circulate to all Contracting Parties the provisional agenda for the conference, together with the texts of such proposals, at least three months before the date on which the conference is to meet.

Article 63

Notifications

In addition to the notifications and communications provided for in articles 61 and 62, the Secretary-General of the United Nations shall notify all the States referred to in article 52 of the following:

- (a) signatures, ratifications, acceptances, approvals and accessions under article 52;
- (b) the dates of entry into force of this Convention in accordance with article 53;
- (c) denunciations under article 54;
- (d) the termination of this Convention under article 55;
- (e) reservations under article 58.

Article 64

Authentic text

After 31 December 1976, the original of this Convention shall be deposited with the Secretary-General of the United Nations, who shall transmit certified true copies to each of the Contracting Parties and to the States referred to in article 52, paragraph 1, which are not Contracting Parties.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Geneva, this fourteenth day of November one thousand nine hundred and seventy-five, in a single copy in the English, French and Russian languages, the three texts being equally authentic.

Annex 1

MODEL OF TIR CARNET

The TIR carnet is printed in French except for page 1 of the cover where the items are also printed in English. The "Rules regarding the use of the TIR carnet" given in French on page 2 of the cover are also printed in English on page 3 of the cover.

NAME OF THE INTERNATIONAL GUARANTEEING ASSOCIATION

CARNET TIR*

6 volets

No. _____

LOGOTYPE
OF INTERNATIONAL
GUARANTEEING
ASSOCIATION

1. Valable pour prise en charge par le bureau de douane de départ jusqu'au _____ inclus
Valid for the acceptance of goods by the Customs office of departure up to and including

2. Délivré par _____
Issued by

(nom de l'association émettrice / name of issuing association)

3. Titulaire _____
Holder

(nom, adresse, pays / name, address, country)

4. Signature du délégué de l'association
émettrice
et cachet de cette association:
*Signature of authorized official of the
issuing association and stamp of that
association:*

5. Signature du secrétaire
de l'organisation internationale:
*Signature of the secretary of the
international organization:*



(A remplir avant l'utilisation par le titulaire du carnet / To be completed before use by the holder of the carnet)

6. Pays de départ _____
Country of departure

7. Pays de destination _____
Country/Countries of destination ()*

8. No(s) d'immatriculation du (des) véhicule(s) routier(s) (*)
Registration No(s) of road vehicle(s) ()*

9. Certificat(s) d'agrément du (des) véhicule(s) routier(s) (*)
Certificate(s) of approval of road vehicle(s) (No. and date) ()*

10. No(s) d'identification du (des) conteneur(s) (*)
Identification No(s) of container(s) ()*

11. Observations diverses _____
Remarks

12. Signature du titulaire du carnet:
Signature of the carnet holder:

(*) Biffer la mention inutile
Strike out whichever does not apply

* Voir annexe 1 de la Convention TIR, 1975, élaborée sous les auspices de la Commission économique des Nations Unies pour l'Europe.

* See annex 1 of the TIR Convention, 1975, prepared under the auspices of the United Nations Economic Commission for Europe.

RÈGLES RELATIVES A L'UTILISATION DU CARNET TIR

A. Généralités

1. **Emission:** Le carnet TIR sera émis dans le pays de départ ou dans le pays où le titulaire est établi ou domicilié.
2. **Langue:** Le carnet TIR est imprimé en français, à l'exception de la page 1 de la couverture dont les rubriques sont également imprimées en anglais; les « Règles relatives à l'utilisation du carnet TIR » sont reproduites en version anglaise à la page 3 de ladite couverture. Par ailleurs, des feuillets supplémentaires donnant une traduction en d'autres langues du texte imprimé peuvent être ajoutés.
3. **Validité:** le carnet TIR demeure valable jusqu'à l'achèvement de l'opération TIR au bureau de douane de destination, pour autant qu'il ait été pris en charge au bureau de douane de départ dans le délai fixé par l'association émettrice (rubrique 1 de la page 1 de la couverture et rubrique 4 des volets).
4. **Nombre de carnets:** il sera établi un seul carnet TIR pour un ensemble de véhicules (véhicules couplés) ou pour plusieurs conteneurs chargés soit sur un seul véhicule soit sur un ensemble de véhicules (voir également la règle 10 d) ci-dessous).
5. **Nombre de bureaux de douane de départ et de destination:** Les transports effectués sous le couvert d'un carnet TIR peuvent comporter plusieurs bureaux de douane de départ et de destination, mais sauf autorisation:
 - a) les bureaux de douane de départ doivent être situés dans le même pays;
 - b) les bureaux de douane de destination ne pourront pas être situés dans plus de deux pays;
 - c) le nombre total des bureaux de douane de départ et de destination ne pourra dépasser 4 (voir également la règle 10 e ci-dessous).
6. **Nombre de feuillets:** Si le transport comporte un seul bureau de douane de départ et un seul bureau de douane de destination, le carnet TIR devra comporter au moins 2 feuillets pour le pays de départ, 3 feuillets pour le pays de destination, plus 2 feuillets pour chaque autre pays dont le territoire est emprunté. Pour chaque bureau de douane de départ ou de destination supplémentaire, 2 autres feuillets, respectivement 3 autres feuillets, seront nécessaires; en outre, il faudra ajouter 2 feuillets si les bureaux de douane de destination sont situés dans deux pays différents.
7. **Présentation aux bureaux de douane:** Le carnet TIR sera présenté avec le véhicule routier, l'ensemble de véhicules, ou les conteneurs à chacun des bureaux de douane de départ, de passage et de destination. Au dernier bureau de douane de départ, la signature de l'agent et le timbre à date du bureau de douane doivent être apposés au bas du manifeste de tous les volets à utiliser pour la suite du transport (rubrique 10).

B. Manière de remplir le carnet TIR

8. **Gratage, surcharge:** Le carnet TIR ne comportera ni gratage ni surcharge. Toute rectification devra être effectuée en effaçant les indications erronées et en ajoutant, le cas échéant, les indications voulues. Toute modification devra être approuvée par son auteur et visée par les autorités douanières.
9. **Indication relative à l'immatriculation:** Lorsque les dispositions nationales ne prévoient pas l'immatriculation des remorques et semi-remorques, on indiquera, en lieu et place du No d'immatriculation, le No d'identification ou de fabrication.
10. **Manifeste:**
 - a) Le manifeste sera rempli dans la langue du pays de départ; à moins que les autorités douanières n'autorisent l'usage d'une autre langue. Les autorités douanières des autres pays empruntés se réservent le droit d'exiger une traduction dans leur langue. En vue d'éviter des retards qui pourraient résulter de cette exigence, il est conseillé au transporteur de se munir des traductions nécessaires.
 - b) Les indications portées sur le manifeste devraient être dactylographiées ou polycopiées de manière que celles soient nettement lisibles sur tous les feuillets. Les feuillets inutilisés doivent être refusés par les autorités douanières.
 - c) Lorsqu'il n'y a pas assez d'espace pour inscrire sur le manifeste toutes les marchandises transportées, des feuillets-annexes, du même modèle que le manifeste ou des documents commerciaux comportant toutes les indications du manifeste, peuvent être attachées aux volets. Dans ce cas, tous les volets devront porter les indications suivantes:
 - i) nombre des feuillets-annexes (case 10).
 - ii) nombre et nature des colis ou des objets ainsi que le poids brut total des marchandises énumérées sur ces feuillets-annexes (cases 11 à 13).
 - d) Lorsque le carnet TIR couvre un ensemble de véhicules ou plusieurs conteneurs, le contenu de chaque véhicule ou de chaque conteneur sera indiqué séparément sur le manifeste. Cette indication devra être précédée du No d'immatriculation ou du No d'identification du contenu (rubrique 11 du manifeste).
 - e) De même, s'il y a plusieurs bureaux de douane de départ ou de destination, les inscriptions relatives aux marchandises prises en charge ou destinées à chaque bureau de douane seront nettement séparées les unes des autres sur le manifeste.
11. **Listes de colis, photos, plans, etc.:** Lorsque, pour l'identification des marchandises pondéreuses ou volumineuses, les autorités douanières exigent que de tels documents soient annexés au carnet TIR, ces derniers seront visés par les autorités douanières et attachés à la page 2 de la couverture du carnet. Au surplus, une mention de ces documents sera faite dans la case 10 de tous les volets.
12. **Signature:** Tous les volets (rubriques 16 et 17) seront datés et signés par le titulaire du carnet TIR ou par son représentant.

C. Incidents ou accidents

13. S'il arrive en cours de route, pour une cause fortuite, qu'un scelllement douanier soit rompu ou que des marchandises puissent être endommagées, le transporteur s'adressera immédiatement aux autorités douanières s'il s'en trouve à proximité ou, à défaut, à d'autres autorités compétentes du pays où il se trouve. Ces dernières établiront dans le plus bref délai le procès-verbal de constat figurant dans le carnet TIR.
14. En cas d'accident nécessitant le transbordement sur un autre véhicule ou dans un autre conteneur, ce transbordement ne peut s'effectuer qu'en présence de l'une des autorités désignées à la règle 13 ci-dessus. Ladite autorité établira le procès-verbal de constat. À moins que le carnet ne porte la mention « marchandises pondéreuses ou volumineuses », le véhicule ou conteneur de substitution devra être agréé pour le transport de marchandises sous scelllements douaniers. En plus, il sera scellé et le scelllement apposé sera indiqué dans le procès-verbal de constat. Toutefois, si aucun véhicule ou conteneur agréé n'est disponible, le transbordement pourra être effectué sur un véhicule ou dans un conteneur non agréé, pour autant qu'il offre des garanties suffisantes. Dans ce dernier cas, les autorités douanières des pays suivants apprécieront si elles peuvent, elles aussi, laisser continuer dans ce véhicule ou conteneur le transport sous le couvert du carnet TIR.
15. En cas de péril imminent nécessitant le déchargement immédiat, partiel ou total, le transporteur peut prendre des mesures de son propre chef sans demander ou sans attendre l'intervention des autorités visées à la règle 13 ci-dessus. Il aura alors à prouver qu'il a dû agir ainsi dans l'intérêt du véhicule ou conteneur ou de son chargement et, aussitôt après avoir pris les mesures préventives de première urgence, avertir une des autorités visées à la règle 13 ci-dessus pour faire constater les faits, vérifier le chargement, assaier le véhicule ou conteneur et établir le procès-verbal de constat.
16. Le procès-verbal de constat restera joint au carnet TIR jusqu'au bureau de douane de destination.
17. Il est recommandé aux associations de fournir aux transporteurs, outre le modèle inséré dans le carnet TIR lui-même, un certain nombre de formulaires de P.V. de constat rédigés dans la ou les langues des pays à traverser.

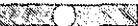
NE PAS DÉTACHER ! À remplir et à conserver dans le carnet
 NOT TO BE DETACHED! To be filled in and has to remain in the carnet / NICHT ABTRENNEN! Dieses Blatt muss zusammen mit dem Carnet verbleiben
 NEODRŽLOVATI! Formu list musí biti vgrajen v posebnih varnostni knjigici
 PRAGMERA DI NOW STACARE! Questo foglio è da compilare e da conservare nel libretto
 Tŕba formu listu bitu ugrajeno u i posebnu knjiuicu i u Carnet

VOLET N° 1 / N° 2		1. CARNET TIR	
2. Bureau(s) de douane de départ 1. 2. 3.		3. Délivré par (nom de l'association douanière)	
Pour usage officiel		4. Valable pour prise en charge par le bureau de douane de départ jusqu'au inclus	
2. No(s) d'immatriculation du (des) véhicule(s) routier(s) 3. Certificat(s) d'agrément (No et date)		5. Titulaire du carnet (nom, adresse, pays) 6. Pays de départ 7. Pays de destination	
		10. Documents joints au manifeste	

MANIFESTE DE MARCHANDISES			
11. a) Compartiment(s) de chargement ou conteneur(s) b) Marques et Nos des colis ou objets	12. Nombre et nature des colis ou objets ; désignation des marchandises	13. Poids brut en kg	14. Scelléments ou marques d'identification reconnus (nombre, identité, etc.)
14. Total des colis figurant sur le manifeste Destination : 1. Bureau de douane 2. Bureau de douane 3. Bureaux de douane	Nombre 15. Le colis ou les colis sont rotatifs à 14 et/ou sont fragiles et cassables 16. Lieu et date 17. Signature du titulaire ou de son représentant	15. Bureau de douane de départ Signature de l'agent et timbre à date du bureau de douane	
20. Certificat de prise en charge (bureau de douane de départ ou de passage d'entrée) <input type="checkbox"/> 21. Scelléments ou marques d'identification reconnus intacts	22. Datas de transit 23. Entrepris par le bureau de douane de tous le No 24. Divers (timbre fixé, bureau où le transport doit être présenté, etc.)	25. Certificat de décharge (Bureau de douane de passage ou de destination) <input type="checkbox"/> 27. Scelléments ou marques d'identification reconnus intacts	26. Nombre de colis déchargés 28. Réserves 29. Signature de l'agent et timbre à date du bureau de douane

SOUCHE N° 1 / N° 2	
1. Arrivé constatée par le bureau de douane de <input type="checkbox"/> 2. Scelléments ou marques d'identification reconnus intacts 3. Déchargé colis ou objets (comme stipulé sur le manifeste) 4. Nouveaux scelléments apposés 5. Réserves	6. Signature de l'agent et timbre à date de bureau de douane

Ce formulaire ne doit pas être pris en considération par les autorités douanières

VOLET N° 1 PAGE 1		1. CARNET TIR 	
2. Bureau(s) de douane de départ		3. Délivré par (nom de l'association amateure)	
1. 2.		A. Véhicule pour prise en charge par le bureau de douane de départ	
3.		Jusqu'au Inklus	
Pour usage officiel		5. Titulaire du carnet (nom, adresse, pays)	
		6. Pays de départ	7. Pays de destination
8. No(s) d'immatriculation du (des) véhicule(s) routeur(s)		10. Documents joints au manifeste	
9. Certificate(s) d'acrément (NA et date)			

MANIFESTE DE MARCHANDISES			
11. a) Compartiment(s) de chargement ou conteneur(s) b) Marqués et non des colis ou objets	12. Nombre et nature des colis ou objets : désignation des marchandises	13. Poids brut en kg	14. Boîtes/verts ou marques d'identification apposés. (combis, témoins, etc.)
14. Total des colis figurant sur le manifeste	Nombre	15. Je certifie que les indications des marques 1 à 14 ci-dessus sont exactes et complètes	16. Bureau de douane de départ Signature de l'agent et timbre à date du bureau de douane
1. Bureau de douane		15. Lieu et date	
2. Bureau de douane		17. Signature du titulaire ou de son représentant	
3. Bureau de douane			
20. Certificate de prise en charge (bureau de douane de départ ou de passage d'entrée)			
<input type="checkbox"/> 21. Scelllements ou marques d'identification reconnus intacts	22. Dotal de transit		
23. Enregistré par le bureau de douane de	sous le No		
24. Divers (timbre fiscal, bureau où le transport doit être présenté, etc.)			
29. Signature de l'agent et timbre à date du bureau de douane			

SOUCHÉ N° 1 PAGE 1		du CARNET TIR 	
1. Pris en charge par le bureau de douane de		6. Equivale de l'agent et timbre à date du bureau de douane	
2. Sous le No			
3. Scelllements ou marques d'identification apposés			
<input type="checkbox"/> 4. Scelllements ou marques d'identification reconnus intacts			
5. Divers (timbre fiscal, bureau où le transport doit être présenté, etc.)			

VOLET N° 2 PAGE 2		CARNET TIR	
2. Bureau(s) de douane de départ 1. 2.		3. Délivré par (nom de l'association Amatrice)	
3.		4. Valable pour prise en charge par le bureau de douane de départ Nouveau inclus	
Pour usage officiel		5. Titulaire du carnet (nom, adresse, pays)	
		6. Pays de départ	7. Pays de destination
8. No(s) d'immatriculation du (des) véhicule(s) roulant(s)		10. Documents joints au manifeste	
9. Certificat(s) d'agrément (No et date)			

MANIFESTE DE MARCHANDISES			
14. a) Compartiment(s) de chargement ou conteneur(s) b) Marquons et Nos des colis ou objets	12. Nombre et nature des colis ou objets : désignation des marchandises	13. Poids brut en kg	11. Scelliments ou marques d'identification apposés, (numéros, localisations)
14. Total des colis figurant sur le manifeste Destination : 1. Bureau de douane 2. Bureau de douane 3. Bureau de douane	Nombre	15. Je certifie que les indicateurs sont placés à l'11 ci-dessus sans erreur et complétés 16. Lieu et date 17. Signature de l'agent ou de son représentant	19. Bureau de douane de départ Signature de l'agent et timbre à date du bureau de douane

20. Certificat de prise en charge (bureau de douane de départ ou de passage d'entrée)		21. Certificat de décharge (bureau de douane de passage de sortie ou de destination)	
<input type="checkbox"/> 21. Scelliments ou marques d'identification reconnus Intacts	22. Débit de transit	<input type="checkbox"/> 27. Scelliments ou marques d'identification reconnus Intacts	
23. Enregistré par le bureau de douane de sous le No	28. Nombre de colis déchargés		
24. Divers (itinéraire fixé, bureau où le transport doit être présenté, etc.)	29. Réserve		
25. Signature de l'agent et timbre à date du bureau de douane	30. Signature de l'agent et timbre à date du bureau de douane		

CARNET TIR NO PAGE 2

SOUCHE N° 2 PAGE 2		du CARNET TIR	
1. Arrivée constatée par le bureau de douane de		5. Signature de l'agent et timbre à date du bureau de douane	
<input type="checkbox"/> 2. Scelliments ou marques d'identification reconnus Intacts			
3. Déchargé colis ou objets (comme stipulé sur le manifeste)			
4. Nouveaux scelliments apposés			
6. Réserve			

VOLET N° 2		1. CARNET TIR 	
2. Bureau(x) de douane de départ		3. Délivré par (nom de l'association émettrice)	
1. 2.		4. Valable pour prise en charge par le bureau de douane de départ jusqu'au Inclus	
3.		5. Titulaire du carnet (nom, adresse, pays)	
Pour usage officiel		6. Pays de départ 7. Pays de destination	
8. No(s) d'immatriculation de (des) véhicule(s) routier(s)		10. Documents joints au manifeste	
9. Certificat(s) d'agrément (No et date)			
MANIFESTE DE MARCHANDISES			
11. a) Compartiment(s) de chargement ou conteneur(s) b) Marques et Nos des colis ou objets		12. Nombre et nature des colis ou objets ; Désignation des marchandises	
		13. Poids brut en kg	
		16. Scelléments ou marques d'identification apposés (Numéro, localisation)	
14. Tout des colis figurant sur le manifeste Destination :		15. Je certifie que les indications sont réduites à la vérité sans fautes et complètes	
1. Bureau de douane		18. Lieu et date	
2. Bureau de douane		17. Signature du titulaire ou de son représentant	
3. Bureau de douane		19. Bureau de douane de départ Signature de l'agent et timbre à date du bureau de douane	
20. Certificat de prise en charge (bureau de douane de départ ou de passage d'entrée)		26. Certificat de décharge (bureau de douane de passage ou de destination)	
<input type="checkbox"/> 21. Scelléments ou marques d'identification reconnus intacts		22. Délai de transit	
23. Enregistré par le bureau de douane de avec le No		<input type="checkbox"/> 27. Scelléments ou marques d'identification reconnus falsifiés	
24. Divers (financier (fisc), bureau où le transport doit être présenté, etc.)		28. Nombre de colis déchargés	
25. Signature de l'agent et timbre à date du bureau de douane		29. Réserve	
		30. Signature de l'agent et timbre à date du bureau de douane	



VOLET DESTINÉ EXCLUSIVEMENT,
en tant que de besoin, au bureau
de douane de destination



Procès-verbal de constat

établi en application de l'article 25 de la Convention TIR
 (voir également les règles 13 à 17 relatives à l'utilisation du carnet TIR)

2. Bureau(s) de douane de départ		2. CARNET TIR																						
4. No(s) d'immatriculation du/des véhicule(s) routier(s) No(s) d'identification du/des conteneur(s)		3. Délivré par																						
6. Le(s) scellément(s) douanier(s) est/sont intact(s) non intact(s) <input type="checkbox"/> <input type="checkbox"/>		8. Titulaire du carnet																						
7. Le(s) compartiment(s) de chargement ou conteneur(s) est/sont intact(s) non intact(s) <input type="checkbox"/> <input type="checkbox"/>		6. Observations																						
9. <input type="checkbox"/> Aucune marchandise ne semble manquer <input type="checkbox"/> Les marchandises désignées dans les rubriques 10 à 13 manquent (M) ou sont détruites (D) comme indiqué dans la rubrique 12																								
10. a) Compartiment(s) de chargement ou conteneur(s) b) Marque et No(s) des colis ou objets	11. Nombre et nature des colis ou objets ; désignation des marchandises	12. M ou D	13. Observations (Indiquez notamment les quantités manquantes ou détruites)																					
14. Date, lieu et circonstances de l'incident																								
15. Mesures prises pour que l'opération TIR puisse se poursuivre <input type="checkbox"/> apposition de nouveaux scelléments : nombre caractéristiques <input type="checkbox"/> transbordement des marchandises (voir rubrique 16 ci-après) <input type="checkbox"/> autre																								
16. Si les marchandises ont été transbordées : caractéristiques du/des véhicule(s) routier(s) ou du/des conteneur(s) de substitution <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;"></th> <th style="width: 15%;">No d'immatriculation</th> <th style="width: 10%;">oui</th> <th style="width: 10%;">non</th> <th style="width: 10%;">Agrob</th> <th style="width: 10%;">No de certificat d'agrément</th> <th style="width: 25%;">Nom et caractéristiques des scelléments apposés</th> </tr> </thead> <tbody> <tr> <td>a) véhicule</td> <td>.....</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>.....</td> <td>..... /</td> </tr> <tr> <td>b) conteneur</td> <td>No d'identification</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>.....</td> <td>..... /</td> </tr> </tbody> </table>					No d'immatriculation	oui	non	Agrob	No de certificat d'agrément	Nom et caractéristiques des scelléments apposés	a) véhicule	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> /	b) conteneur	No d'identification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> /
	No d'immatriculation	oui	non	Agrob	No de certificat d'agrément	Nom et caractéristiques des scelléments apposés																		
a) véhicule	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> /																		
b) conteneur	No d'identification	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> /																		
17. Autorité ayant établi le présent procès-verbal		18. Visa du prochain bureau de douane touché par le transport TIR																						
Lieu / date / timbre signature		 signature																						

Marquer d'une croix les cases qui conviennent

RULES REGARDING THE USE OF THE TIR CARNET

A. General

1. **Issue:** The TIR carnet may be issued either in the country of departure or in the country in which the holder is established or resident.
2. **Language:** The TIR carnet is printed in French except for page 1 of the cover where the items are also printed in English; this page is a translation of the « rules regarding the use of the TIR carnet » given in French on page 2 of the cover. Additional sheets giving a translation of the printed text may also be inserted.
3. **Validity:** The TIR carnet remains valid until the completion of the TIR operation at the Customs office of destination, provided that it has been taken under Customs control at the Customs office of departure within the time-limit set by the issuing association (item 1 of page 1 of the cover and item 4 of the vouchers).
4. **Number of carnets:** Only one TIR carnet shall be required for a combination of vehicles (coupled vehicles) or for several containers loaded either on a single vehicle or on a combination of vehicles (see also rule 10 (d) below).
5. **Number of Customs offices of departure and Customs offices of destination:** Transport under cover of a TIR carnet may involve several Customs offices of departure and destination, but, unless otherwise authorized:
 - (a) the Customs offices of departure must be situated in the same country;
 - (b) the Customs offices of destination may not be situated in more than two countries;
 - (c) the total number of Customs offices of departure and destination may not exceed four (see also rule 10 (a) below).
6. **Number of forms:** Where there is only one Customs office of departure, and one Customs office of destination, the TIR carnet must contain at least 2 sheets for the country of departure, 3 sheets for the country of destination and 2 sheets for each country traversed. For each additional Customs office of departure 2 extra sheets and for each additional Customs office of destination 3 extra sheets shall be required; in addition, there must be 2 more sheets if the Customs offices of destination are situated in two different countries.
7. **Presentation at Customs offices:** The TIR carnet shall be presented with the road vehicle, combination of vehicles, or container(s) at each Customs office of departure, Customs office *en route* and Customs office of destination. At the last Customs office of departure, the Customs Officer shall sign and date stamp item 19 below the manifest on all vouchers to be used on the remainder of the journey.

B. How to fill in the TIR carnet

8. **Erasures, over-writing:** No erasures or over-writing shall be made on the TIR carnet. Any corrections shall be made by crossing out the incorrect particulars and adding, if necessary, the required particulars. Any change shall be initialed by the person making it and endorsed by the Customs authorities.
9. **Information concerning registration:** When national legislation does not provide for registration of trailers and semi-trailers, the identification or manufacturer's no. shall be shown instead of the registration no.
10. **The manifest:**
 - (a) The manifest must be completed in the language of the country of departure, unless the Customs authorities allow another language to be used. The Customs authorities of the other countries traversed reserve the right to require its translation into their own language. In order to avoid delays which might ensue from this requirement, carriers are advised to supply the driver of the vehicle with the requisite translations.
 - (b) The information on the manifest should be typed or multicoloured in such a way as to be clearly legible on all the sheets. Illegible sheets will not be accepted by the Customs authorities.
 - (c) When there is not enough space in the manifest to enter all the goods carried, separate sheets of the same model as the manifest or commercial documents providing all the information required by the manifest may be attached to the vouchers. In such cases, all the vouchers must contain the following particulars:
 - (i) the number of sheets attached (box 10)
 - (ii) the number and type of packages or articles and the total gross weight of the goods listed on the attached sheets (boxes 11 to 13).
 - (d) When the TIR carnet covers a combination of vehicles or several containers, the contents of each vehicle or each container shall be indicated separately on the manifest. This information shall be preceded by the registration no. of the vehicle or the identification no. of the container (item 11 of the manifest).
 - (e) Likewise, if there are several Customs offices of departure or of destination, the entries concerning the goods taken under Customs control at, or intended for, each Customs office shall be clearly separated from each other on the manifest.
11. **Packing lists, photographs, plans, etc.:** When such documents are required by the Customs authorities for the identification of heavy or bulky goods, they shall be endorsed by the Customs authorities and attached to page 2 of the cover of the carnet. In addition, a reference shall be made to these documents in box 10 of all vouchers.
12. **Signature:** All vouchers (items 16 and 17) must be dated and signed by the holder of the TIR carnet or his agent.

C. Incidents or accidents

13. In the event of Customs seals being broken or goods being destroyed or damaged by accident *en route* the carrier shall immediately contact the Customs authorities, if there are any near at hand, or, if not, any other competent authorities of the country he is in. The authorities concerned shall draw up with the minimum delay the certified report which is contained in the TIR carnet.
14. In the event of an accident necessitating transfer of the load to another vehicle or another container, this transfer may be carried out only in the presence of one of the authorities mentioned in rule 13 above. The said authority shall draw up the certified report. Unless the carnet carries the words « Heavy or bulky goods », the vehicle or container substituted must be one approved for the transport of goods under Customs seals. Furthermore, it shall be sealed and details of the seal affixed shall be indicated in the certified report. However, if no approved vehicle or container is available, the goods may be transferred to an unapproved vehicle or container, provided it affords adequate safeguards. In the latter event, the Customs authorities of succeeding countries shall judge whether they, too, can allow the transport under cover of the TIR carnet to continue in that vehicle or container.
15. In the event of imminent danger necessitating immediate unloading of the whole or of part of the load, the carrier may take action on his own initiative without requesting, or waiting for action by the authorities mentioned in rule 13 above. It shall then be for him to furnish proof that he was compelled to take such action in the interests of the vehicle or container or of the load and, as soon as he has taken such preventive measures as the emergency may require, he shall notify one of the authorities mentioned in rule 13 above in order that the facts may be verified, the load checked, the vehicle or container sealed and the certified report drawn up.
16. The certified report shall remain attached to the TIR carnet until the Customs office of destination is reached.
17. In addition to the model form inserted in the TIR carnet itself, associations are recommended to furnish carriers with a supply of certified report forms in the language or languages of the countries of transit.

Annex 2

REGULATIONS ON TECHNICAL CONDITIONS APPLICABLE TO ROAD VEHICLES WHICH
MAY BE ACCEPTED FOR INTERNATIONAL TRANSPORT UNDER CUSTOMS SEAL

Article 1

Basic principles

Approval for the international transport of goods under Customs seal may be granted only to vehicles, the load compartments of which are constructed and equipped in such a manner that:

- (a) no goods can be removed from, or introduced into, the sealed part of the vehicle without leaving obvious traces of tampering or without breaking the Customs seal;
- (b) Customs seals can be simply and effectively affixed to them;
- (c) they contain no concealed spaces where goods may be hidden;
- (d) all spaces capable of holding goods are readily accessible for Customs inspection.

Article 2

Structure of load compartments

1. To meet the requirements of article 1 of these Regulations:

(a) the constituent parts of the load compartment (sides, floor, doors, roof, uprights, frames, cross-pieces, etc.) shall be assembled either by means of devices which cannot be removed and replaced from the outside without leaving obvious traces or by such methods as will produce a structure which cannot be modified without leaving obvious traces. When the sides, floor, doors and roof are made up of various components, these shall meet the same requirements and be of sufficient strength;

(b) doors and all other closing systems (including stopcocks, manhole-covers, flanges etc.) shall be fitted with a device on which Customs seals can be fixed. This device must be such that it cannot be removed and replaced from the outside without leaving obvious traces, or the door or fastening be opened without breaking the Customs seals. The latter shall be adequately protected. Opening roofs shall be permitted;

(c) apertures for ventilation and drainage shall be provided with a device preventing access to the interior of the load compartment. This device must be such that it cannot be removed and replaced from the outside without leaving obvious traces.

2. Notwithstanding the provisions of article 1 (c) of these Regulations, constituent parts of the load compartment which, for practical reasons, have to include empty spaces (for example, between the partitions of a double wall) shall be permitted. In order that the said spaces cannot be used to conceal goods:

- (i) where it covers the full height from floor to roof, or, in other cases, where the space between it and the outer wall is completely enclosed the lining inside the load compartment shall be so fitted that it cannot be removed and replaced without leaving obvious traces; and
- (ii) where a lining is of less than full height and the spaces between the lining and the outer wall are not completely enclosed, and in all other cases where spaces occur in the construction of a load compartment, the number of such spaces shall be kept to a minimum and these spaces shall be readily accessible for Customs inspection.

3. Windows shall be allowed provided that they are made of materials of sufficient strength and that they cannot be removed and replaced from the outside without leaving obvious traces. Glass shall nevertheless be permitted, but in this case the window shall be fitted with a fixed metal grille which cannot be removed from the outside; the mesh of the grille shall not exceed 10 mm.
4. Openings made in the floor for technical purposes, such as lubrication, maintenance and filling of the sand-box, shall be allowed only on condition that they are fitted with a cover capable of being fixed in such a way as to render the load compartment inaccessible from the outside.

Article 3

Sheeted vehicles

1. Where applicable, the provisions of articles 1 and 2 of these Regulations shall apply to sheeted vehicles. In addition, these vehicles shall conform to the provisions of this article.
2. The sheet shall be either of strong canvas or of plastic-covered or rubberized cloth, which shall be of sufficient strength and unstretchable. It shall be in good condition and made up in such a way that once the closing device has been secured, it is impossible to gain access to the load compartment without leaving obvious traces.
3. If the sheet is made up of several pieces, their edges shall be folded into one another and sewn together with two seams at least 15 mm apart. These seams shall be made as shown in sketch No. 1 appended to these Regulations; however, where in the case of certain parts of the sheet (such as flaps and reinforced corners) it is not possible to assemble the pieces in that way, it shall be sufficient to fold the edge of the top section and make the seams as shown in sketches Nos. 2 or 2 (a) appended to these Regulations. One of the seams shall be visible only from the inside and the colour of the thread used for that seam shall be clearly different from the colour of the sheet itself and from the colour of the thread used for the other seam. All seams shall be machine-sewn.
4. If the sheet is of plastic-covered cloth, and is made up of several pieces, the pieces may alternatively be welded together in the manner shown in sketch No. 3 appended to these Regulations. The edges of the pieces shall overlap by at least 15 mm. The pieces shall be fused together over the whole width of the overlap. The edge of the outer sheet shall be covered with a band of plastic material at least 7 mm wide, affixed by the same welding process. The plastic band and the sheet on each side of it for a width of at least 3 mm shall have a clearly-defined uniform relief pattern stamped on them. The pieces shall be welded in such a way that they cannot be separated and rejoined without leaving obvious traces.
5. Repairs shall be made in accordance with the method described in sketch No. 4 appended to these Regulations; the edges shall be folded into one another and sewn together with two visible seams at least 15 mm apart; the colour of the thread visible from the inside shall be different from that of the thread visible from the outside and from that of the sheet itself; all seams shall be machine-sewn. When a sheet which has been damaged near the edges is repaired by replacing the damaged part by a patch, the seam can also be made in accordance with the provisions of paragraph 3 of this article and sketch No. 1 appended to these Regulations. Sheets of plastic-covered cloth may alternatively be repaired in accordance with the method described in paragraph 4 of this article, but in that case the plastic band must be affixed to both sides of the sheet, the patch being fitted on the inside of the sheet.

6. (a) The sheet shall be fixed to the vehicle in strict compliance with the conditions set forth in article 1 (a) and (b) of these Regulations. The following types of fastening shall be provided:

- (i) metal rings fixed to the vehicles;
- (ii) eyelets let into the edge of the sheet;
- (iii) a fastening passing through the rings above the sheet and visible from the outside for its entire length.

The sheet shall overlap solid parts of the vehicle by at least 250 mm, measured from the centre of the securing rings, unless the system of construction of the vehicle in itself prevents all access to the load compartment.

(b) When any edge of a sheet is to be permanently secured to a vehicle, the joint shall be continuous and effected by means of solid devices.

7. The sheet shall be supported by an adequate superstructure (uprights, sides, arches, slats, etc.).

8. The spaces between the rings and the spaces between the eyelets shall not exceed 200 mm. The eyelets shall be reinforced.

9. The following fastenings shall be used:

- (a) steel wire ropes of at least 3 mm diameter; or
- (b) ropes of hemp or sisal of at least 8 mm diameter encased in a transparent sheath of unstretchable plastic.

Wire ropes may have a transparent sheath of unstretchable plastic.

10. Each rope shall be in one piece and have a hard metal end-piece at each end. The fastener of each metal end-piece shall include a hollow rivet passing through the rope so as to allow the introduction of the thread or strap of the Customs seal. The rope shall remain visible on either side of the hollow rivet so that it is possible to ensure that the rope is in one piece (see sketch No. 5 appended to these Regulations).

11. At the openings in the sheet, used for loading and unloading, the two edges of the sheet shall have an adequate overlap. They shall also be fastened by:

- (a) a flap sewn or welded in accordance with paragraphs 3 and 4 of this article;
- (b) rings and eyelets meeting the conditions of paragraph 8 of this article; and
- (c) a thong made of appropriate material, in one piece and unstretchable, at least

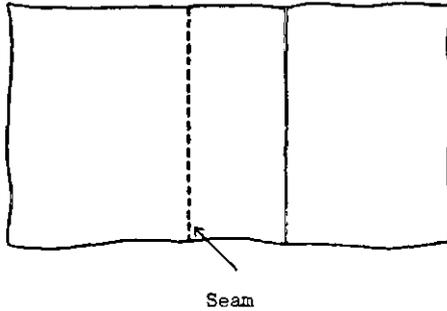
20 mm wide and 3 mm thick, passing through the rings and holding together the two edges of the sheet and the flap; the thong shall be secured inside the sheet and fitted with an eyelet to take the rope mentioned in paragraph 9 of this article.

A flap shall not be required if a special device, such as a baffle plate, is fitted, which prevents access to the load compartment without leaving obvious traces.

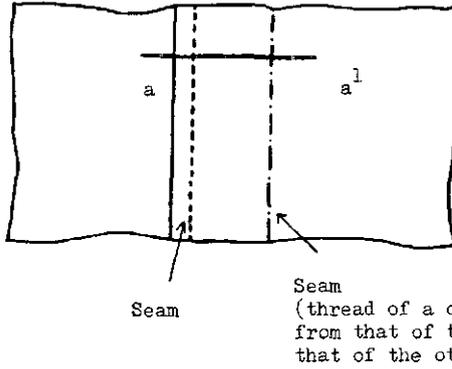
Sketch No. 1

SHEET MADE OF SEVERAL PIECES SEWN TOGETHER

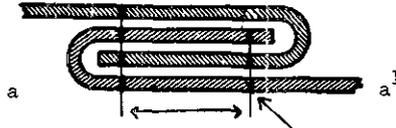
Outside view



Inside view



Section a-a¹
Double flat seam

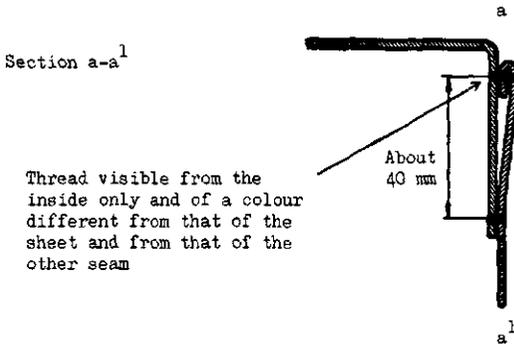
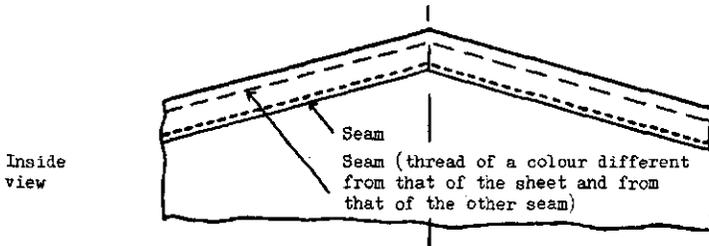
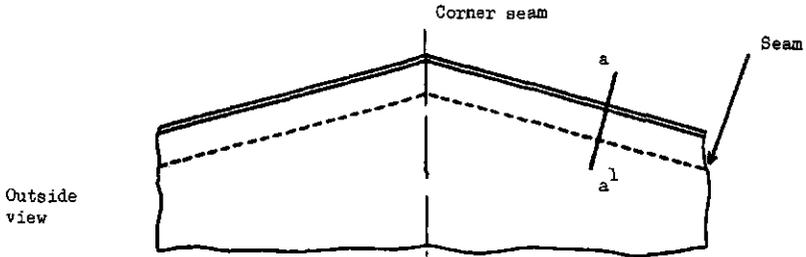


At least
15 mm

Thread visible from the inside
only and of a colour different
from that of the sheet and
from that of the other seam.

Sketch No. 2

SHEET MADE OF SEVERAL PIECES SEWN TOGETHER

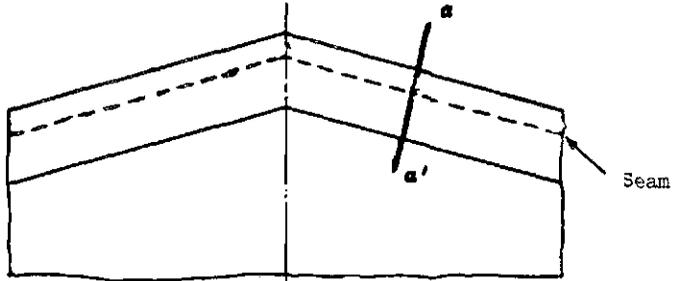


Sketch No. 2(a)

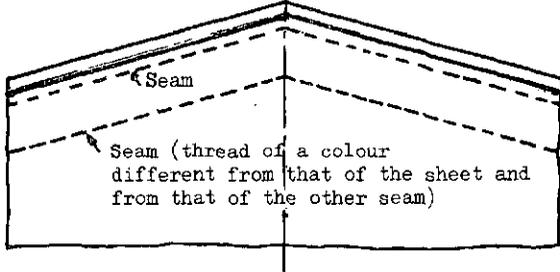
SHEET MADE OF SEVERAL PIECES SEWN TOGETHER

Corner seam

Outside view

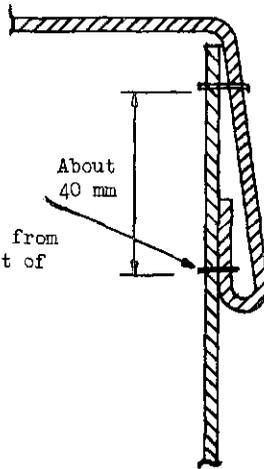


Inside view



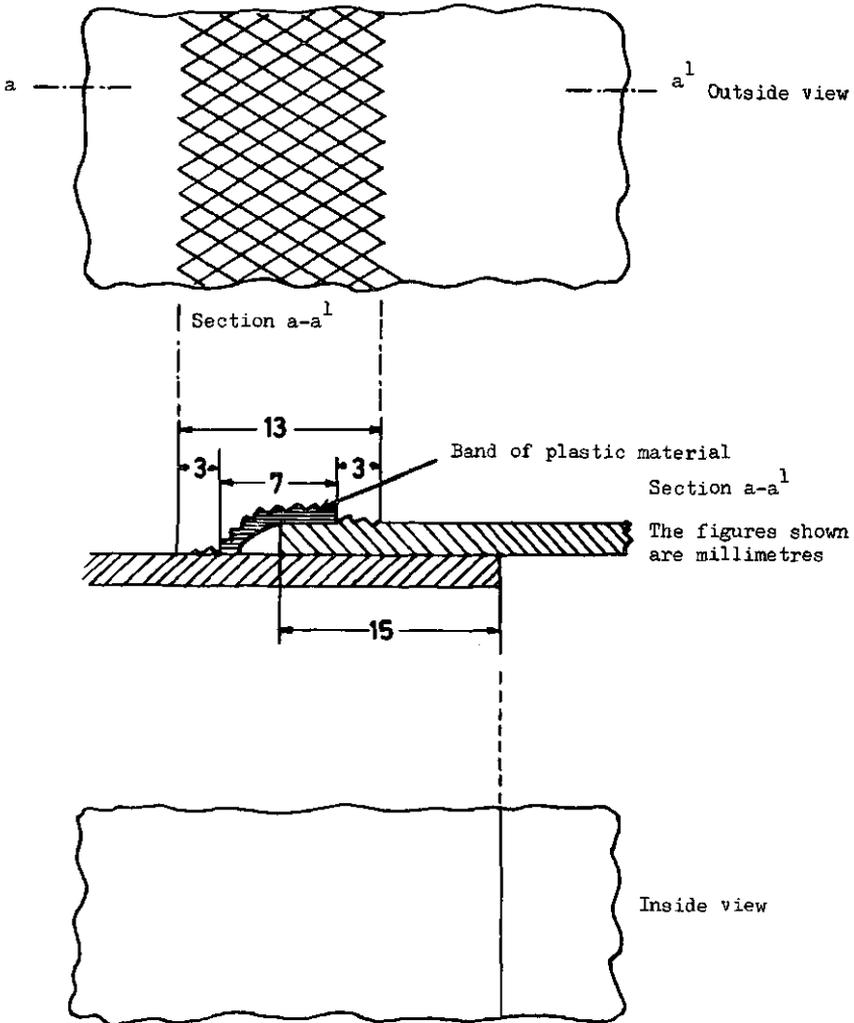
Section a-a¹

Thread visible from the inside only and of a colour different from that of the sheet and from that of the other seam

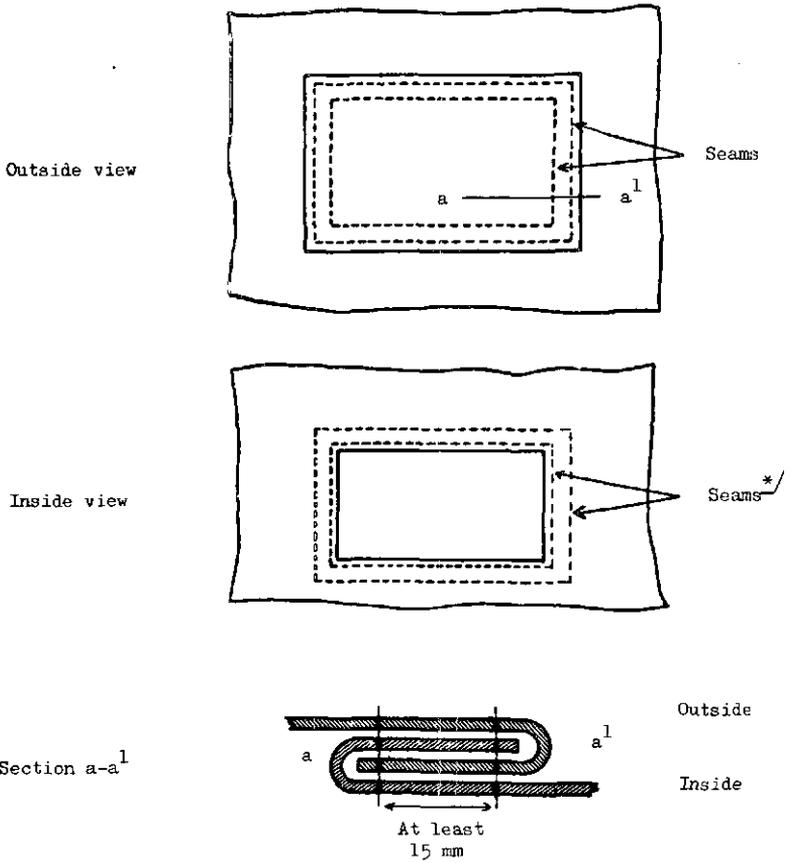


Sketch No. 3

SHEET MADE OF SEVERAL PIECES WELDED TOGETHER



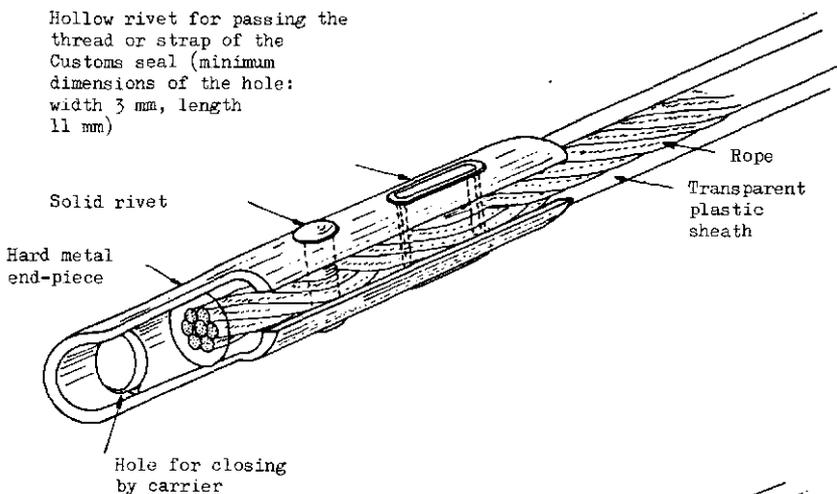
Sketch No. 4
REPAIR OF THE SHEET



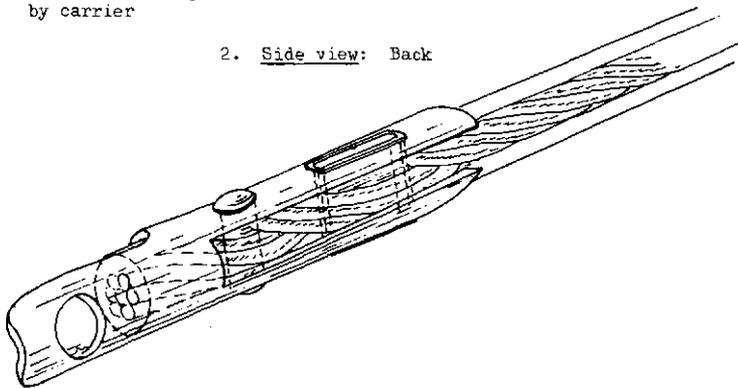
* / Threads visible from inside shall be of a colour different from that of the threads visible from the outside and from that of the sheet.

Sketch No. 5
EXAMPLE OF END-PIECE

1. Side view: Front



2. Side view: Back



Annex 3

PROCEDURE FOR THE APPROVAL OF ROAD VEHICLES COMPLYING WITH THE TECHNICAL CONDITIONS SET FORTH IN THE REGULATIONS CONTAINED IN ANNEX 2

GENERAL

1. Road vehicles may be approved by one of the following procedures:
 - (a) individually, or
 - (b) by design type (series of road vehicles)
2. An approval certificate conforming to the standard form of annex 4 shall be issued for approved vehicles. This certificate shall be printed in the language of the country of issue and in French or English. When the authority which has granted the approval deems it necessary, photographs or diagrams authenticated by that authority shall be attached to the certificate. The number of those documents shall then be inserted by that authority under item No. 6 of the approval certificate.
3. The approval certificate shall be kept on the road vehicle.
4. Road vehicles shall be produced every two years, for the purposes of inspection and of renewal of approval where appropriate, to the competent authorities of the country in which the vehicle is registered or, in the case of unregistered vehicles, of the country in which the owner or user is resident.
5. If a road vehicle no longer complies with the technical conditions prescribed for its approval, it shall, before it can be used for the transport of goods under cover of TIR carnets, be restored to the condition which had justified its approval so as to comply again with the said technical conditions.
6. If the essential characteristics of a road vehicle are changed, the vehicle shall cease to be covered by the approval and shall be reapproved by the competent authority before it can be used for the transport of goods under cover of TIR carnets.
7. The competent authorities of the country of registration of the vehicle or, in the case of vehicles for which registration is not required, the competent authorities of the country where the owner or user of the vehicle is established may, as the case may be, withdraw or renew the approval certificate or issue a new approval certificate in the circumstances set out in article 14 of this Convention and in paragraphs 4, 5 and 6 of this annex.

PROCEDURE FOR INDIVIDUAL APPROVAL

8. The owner, the operator or the representative of either shall apply to the competent authority for individual approval. The competent authority shall inspect the road vehicle produced in accordance with the general rules laid down in paragraphs 1 to 7 above and shall satisfy itself that the vehicle complies with the technical conditions prescribed in annex 2, and after approval shall issue a certificate conforming to the model in annex 4.

PROCEDURE FOR APPROVAL BY DESIGN TYPE (SERIES OF ROAD VEHICLES)

9. Where road vehicles are manufactured by type series, the manufacturer may apply to the competent authority of the country of manufacture for approval by design-type.
10. The manufacturer shall state in his application the identification numbers or letters which he assigns to the type of road vehicle to which his application for approval relates.
11. The application shall be accompanied by drawings and a detailed design specification of the type of road vehicle to be approved.
12. The manufacturer shall give an undertaking in writing that he will:
- (a) produce to the competent authority such vehicles of the type concerned as that authority may wish to examine;
 - (b) permit the competent authority to examine further units at any time during the production of the type series concerned;
 - (c) advise the competent authority of any change, however small, in the design or specification before proceeding with such change;
 - (d) mark the road vehicles in a visible place with the identification numbers or letters of the design-type and the serial number of the vehicle in the type series (manufacturer's number);
 - (e) keep a record of vehicles manufactured to the approved design-type.
13. The competent authority shall state what changes, if any, must be made to the proposed design-type in order that approval may be granted.
14. No approval by design-type shall be granted unless the competent authority has satisfied itself by examination of one or more vehicles manufactured to the design-type concerned that vehicles of that type comply with the technical conditions prescribed in annex 2.
15. The competent authority shall notify the manufacturer in writing of its decision to grant approval by design-type. This decision shall be dated and numbered. The authority which took the decision shall be clearly designated.
16. The competent authority shall take the necessary steps to issue an approval certificate, which it has duly signed, in respect of every vehicle built in conformity with an approved design-type.
17. The holder of the approval certificate shall, before using the vehicle for the carriage of goods under the cover of a TIR carnet, fill in, as may be required, on the approval certificate:
- the registration number given to the vehicle (item No. 1) or,
 - in the case of a vehicle not subject to registration, particulars of his name and business address (item No. 8)

13. When a vehicle which has been approved by design-type is exported to another country which is a Contracting Party to this Convention, no further approval procedure shall be required in that country on account of its importation.

PROCEDURE FOR ENDORSEMENT OF THE CERTIFICATE OF APPROVAL

19. When an approved vehicle, carrying goods under cover of a TIR carnet, is found to have major defects, the competent authorities of Contracting Parties may either refuse to allow the vehicle to continue its journey under a TIR carnet, or allow the vehicle to continue its journey under a TIR carnet on its territory while taking the necessary security precautions. The approved vehicle must be restored to a satisfactory state as rapidly as possible, and in any case before it is again used for the transport of goods under cover of a TIR carnet.

20. In each of these cases the Customs authorities shall make an appropriate endorsement in item No. 10 of the certificate of approval of the vehicle. When the vehicle has been restored to a condition which justifies approval, it shall be presented to the competent authorities of a Contracting Party who shall revalidate the certificate by adding an endorsement to item No. 11 cancelling the earlier observations. No vehicle, the certificate of which has been endorsed at item No. 10 under the provisions of the preceding paragraph, may again be used for the transport of goods under a TIR carnet until it has been restored to a satisfactory condition and until the endorsement in item No. 10 has been cancelled as stated above.

21. Each endorsement made on the certificate shall be dated and authenticated by the Customs authorities.

22. When a vehicle is found to have defects which the Customs authorities consider to be of minor importance and not involving the risk of smuggling, the continued use of the vehicle for the transport of goods under cover of a TIR carnet can be authorized. The holder of the approval certificate shall be notified of the defects and shall restore his vehicle to a satisfactory state within a reasonable time.

Annex 4

MODEL CERTIFICATE OF APPROVAL OF A ROAD VEHICLE

(Back page)
IMPORTANT NOTICE

1. When the authority which has granted the approval deems it necessary, photographs or diagrams authenticated by that authority, shall be attached to the approval certificate. The number of those documents shall then be inserted by the competent authority, under item No. 6 of the certificate.

2. The certificate shall be kept on the road vehicle.

3. Road vehicles shall be produced every two years, for the purposes of inspection and of renewal of approval where appropriate, to the competent authorities of the country in which the vehicle is registered or, in the case of unregistered vehicles, of the country in which the owner or user is resident.

4. If a road vehicle no longer complies with the technical conditions prescribed for its approval, it shall, before it can be used for the transport of goods under cover of TIR carnets, be restored to the condition which had justified its approval so as to comply again with the said technical conditions.

5. If the essential characteristics of a road vehicle are changed, the vehicle shall cease to be covered by the approval and shall be reapproved by the competent authority before it can be used for the transport of goods under cover of TIR carnets.

(Cover page)
APPROVAL CERTIFICATE

of a road vehicle for the transport of goods
under Customs seal

Certificate No.

TIR Convention of 19

Issued by (competent authority)

...
...
...
(fold)

...
...
...

IDENTIFICATION				CERTIFICATE OF APPROVAL NO.	REMARKS (reserved for the use of Competent Authorities)			
1. Registration No.					10. Defects noted		11. Rectification of defects	
2. Type of vehicle					Authority	Stamp	Authority	Stamp
3. Chassis No.					Signature		Signature	
4. Trade mark (or name of manufacturer)					10. Defects noted		11. Rectification of defects	
5. Other particulars					Authority	Stamp	Authority	Stamp
6. Number of annexes					Signature		Signature	
7. APPROVAL					10. Defects noted		11. Rectification of defects	
<input type="checkbox"/> individual approval Valid until <input type="text"/>					Authority	Stamp	Authority	Stamp
<input type="checkbox"/> approval by design type (mark applicable alternative with an "X")					Signature		Signature	
Place					10. Defects noted		11. Rectification of defects	
Date					Authority	Stamp	Authority	Stamp
Signature					Signature		Signature	
8. HOLDER (for unregistered vehicles only) Name and address					10. Defects noted		11. Rectification of defects	
9. RENEWALS					Authority	Stamp	Authority	Stamp
Valid until					Signature		Signature	
Place					12. Other remarks			
Date								
Signature								
Stamp								

Annex 5

TIR PLATES

1. The dimensions of the plates shall be 250 mm by 400 mm.
2. The letters TIR in capital Latin characters shall be 200 mm high and their strokes at least 20 mm wide. The letters shall be white on a blue ground.

Annex 6

EXPLANATORY NOTES

INTRODUCTION

(i) In accordance with the provisions of article 43 of this Convention, the explanatory notes interpret certain provisions of this Convention and of its annexes. They also describe certain recommended practices.

(ii) The explanatory notes do not modify the provisions of this Convention or of its annexes but merely make their contents, meaning and scope more precise.

(iii) In particular, having regard to the provisions of article 12 of this Convention and of annex 2 relating to the technical conditions for the approval of road vehicles for transport under Customs seal, the explanatory notes specify, where appropriate, the construction techniques to be accepted by the Contracting Parties as complying with those provisions. The explanatory notes also specify, where appropriate, which construction techniques do not comply with those provisions.

(iv) The explanatory notes provide a means of applying the provisions of this Convention and of its annexes so as to take into account the development of technology and economic requirements.

0 MAIN TEXT OF THE CONVENTION

0.1 Article 1

0.1 (b) The fees and charges excepted in article 1, subparagraph (b) mean all sums, other than import or export duties and taxes, levied by Contracting Parties on or in connexion with importation or exportation. These sums shall be limited in amount to the approximate cost of the services rendered and shall not represent an indirect protection to domestic products or a tax on imports or exports for fiscal purposes. Such fees and charges include inter alia payments relating to:

- certificates of origin if they are required for transit
- analyses carried out by Customs laboratories for control purposes
- Customs inspections and other clearance operations carried out outside normal working hours or away from Customs offices
- inspections for sanitary, veterinary or phytopathological reasons.

0.1 (e) The term "demountable body" means a load compartment which has no means of locomotion and which is designed to be transported upon a road vehicle, the chassis of which, together with the under-framing of the body, is specially adapted for this purpose.

0.1 (e)(i) The term "partially enclosed", as applied to equipment in article 1, subparagraph (e)(i), relates to equipment generally consisting of a floor and a superstructure marking off a loading space equivalent to that of a

closed container. The superstructure is generally made up of metal members forming the frame of a container. Containers of this type may also comprise one or more lateral or frontal walls. In some cases there is only a roof attached to the floor by uprights. This type of container is used in particular for the transport of bulky goods (motor cars, for example).

0.2

Article 2

0.2-1

Article 2 provides that a transport operation under cover of a TIR carnet may begin and end in the same country on condition that part of the journey is performed in foreign territory. In such cases there is nothing to prevent the Customs authorities of the country of departure from requiring, in addition to the TIR carnet, a national document, intended to ensure duty-free reimportation of the goods. It is nevertheless recommended that Customs authorities should not insist on the use of such a document but accept instead an appropriate endorsement on the TIR carnet.

0.2-2

The provisions of this article allow goods to be carried under cover of a TIR carnet when only part of the journey is made by road. They do not specify what part of the journey has to be made by road and it is sufficient that this should occur at some point between the beginning and the end of the TIR operation. However, it may happen that, for unforeseen reasons of a commercial or accidental nature, no part of the journey can be made by road, despite the intentions of the sender at the start of the journey. In these exceptional cases the Contracting Parties shall nevertheless accept the TIR carnet and the liability of the guaranteeing associations shall remain in force.

0.5

Article 5

This article does not exclude the right to carry out spot checks on the goods but stresses that these checks should be very limited in number. The international TIR carnet procedure, in fact, provides protection greater than that given by national procedures. Firstly the particulars on the TIR carnet relating to the goods must agree with the particulars given on the Customs documents which may be required in the country of departure. In addition the countries of transit and destination are given protection by the controls which are carried out at departure and which are certified by the Customs authorities at the office of departure. (See note below to article 19.)

0.6.2

Article 6, paragraph 2

Under the provisions of this paragraph, the Customs authorities of a country may approve more than one association, each of which may incur liability arising from the discharge of the carnets issued by it or by its corresponding associations.

0.8.3

Article 8, paragraph 3

Customs authorities are recommended to limit to a sum equal to \$US50,000 per TIR carnet the maximum amount which may be claimed from the guaranteeing association.

0.8.6

Article 8, paragraph 6

1. In the absence in the TIR carnet of particulars detailed enough to enable charges on the goods to be determined, the parties concerned may produce evidence of their precise nature.
2. If no evidence is furnished, duties and taxes will be charged, not at a flat rate unrelated to the nature of the goods, but at the highest rate applicable to the kind of goods covered by the particulars in the TIR carnet.

0.10

Article 10

The certificate of discharge of the TIR carnet shall be regarded as having been obtained in an improper or fraudulent manner when the TIR operation has been carried out by means of load compartments or containers adapted for fraudulent purposes, or when such malpractices as the use of false or inaccurate documents, the substitution of goods, tampering with Customs seals, etc., have been discovered, or when the certificate has been obtained by other illicit means.

0.11

Article 11

0.11-1

In deciding whether or not to release the goods or vehicle, Customs authorities should not, when they have other means in law of protecting the interests for which they are responsible, be influenced by the fact that the guaranteeing association is liable for the payment of duties, taxes and default interest payable by the holder of the carnet.

0.11-2

If a guaranteeing association is asked, in accordance with the procedure set out in article 11, to pay the sums referred to in article 8, paragraphs 1 and 2, and fails to do so within the time-limit of three months prescribed by the Convention, the competent authorities may rely on national regulations in requiring payment of the sums in question because what is involved in such cases is a failure to carry out a contract of guarantee entered into by the guaranteeing association under national law.

0.15

Article 15

Certain difficulties may arise in the case of vehicles not subject to registration, such as in some countries, trailers or semi-trailers, when Customs documents are not required for temporary admission. In that case, the provisions of article 15 may be observed, while assuring adequate protection for the Customs authorities, by recording particulars of these vehicles (make and numbers) on vouchers 1 and 2 of the TIR carnet used by the countries concerned and on the corresponding counterfoils.

0.17

Article 17

0.17-1

The provision that the manifest of the goods covered by the TIR carnet shall show separately the contents of each vehicle of a combination of vehicles, or of each container, is only intended to simplify Customs inspection of the contents of each vehicle or container. This provision shall not therefore be interpreted so rigidly that each variation between the actual contents of a vehicle or container and the contents of that vehicle or container as shown on the manifest is considered a breach of the provisions of the Convention. If the carrier

can satisfy the relevant authorities that, notwithstanding such a variation, all the goods shown on the manifest agree with the total of goods loaded in the combination of vehicles or in all the containers covered by the TIR carnet, this shall not normally be considered a breach of Customs requirements.

0.17-2 In the case of household removals, the procedure laid down in paragraph 10(c) of the Rules for the use of the TIR carnet can be applied, the list of articles concerned being reasonably condensed.

0.13 Article 18

0.13-1 It is essential for the smooth operation of the TIR procedure that the Customs authorities of one country should refuse to designate a Customs office of exit as a Customs office of destination for a transport operation which is going on to a neighbouring country when that country is also a Contracting Party to this Convention, unless there are some special circumstances to justify the request.

0.18-2 1. Goods should be so loaded that the consignment to be unloaded at the first unloading point can be taken out of the vehicle or the container without it being necessary to unload the other consignment or consignments of goods due to be unloaded at the other unloading points.

2. Where a transport operation involves unloading at more than one office it is necessary that, after a partial unloading, a record of it should be made in box 12 on all the remaining manifests of the TIR carnet, and at the same time another record should be made on the remaining vouchers and the corresponding counterfoils to the effect that new seals have been affixed.

0.19 Article 19

The requirement that the Customs office of departure should check the accuracy of the goods manifest implies the need to verify at least that the particulars in the goods manifest tally with those in the export documents and in the transport or other commercial documents relating to the goods; the Customs office of departure may also have to examine the goods. The Customs office of departure must also, before affixing seals, check the condition of the road vehicle or container and, in the case of sheeted vehicles or containers, the condition of the sheets and sheet fastenings, as this equipment is not included in the certificate of approval.

0.20 Article 20

When fixing time-limits for the transport of goods within their territory, Customs authorities must likewise take into account inter alia any special regulations to which carriers are subject, particularly regulations concerning working hours and mandatory rest periods for drivers of road vehicles. It is recommended that these authorities should exercise their right to prescribe a route only when they consider it essential.

0.21 Article 21

0.21-1 The provisions of this article do not restrict the right of Customs authorities to examine all parts of a vehicle other than the sealed load compartment.

0.21-2

The Customs office of entry may turn back the carrier to the Customs office of exit of the adjacent country if it finds that no clearance has been given by that office or that clearance has not been given in due form. In such cases the Customs office of entry inserts a note in the TIR carnet for the Customs office of exit concerned.

0.21-3

If in the course of an examination, Customs authorities draw samples of goods, a note recording full particulars of the goods taken must be made by those authorities on the goods manifest of the TIR carnet.

0.28

Article 28

1. Article 28 provides that discharge of the TIR carnet at the office of destination shall take place without delay, on condition that the goods are placed under another Customs procedure or cleared for home use.

2. The use of the TIR carnet must be restricted to the function which it was intended to cover, namely the transit operation. The TIR carnet must not, for example, be used to cover the storage of goods under Customs control at destination. Where no irregularity has taken place, the office of destination must discharge the TIR carnet as soon as the goods covered by the carnet have come under another Customs procedure or have been cleared for home use. In practice discharge must be given as soon as the goods have been directly re-exported (as, for example, when they are shipped on arrival at a port), or as soon as a declaration for Customs purposes has been made at the place of destination, or as soon as the goods have been received into a place approved for storage while awaiting a declaration for Customs purposes (for example, a transit shed), in accordance with the regulations in force in the country of destination.

0.29

Article 29

No certificate of approval is required for road vehicles or containers transporting heavy or bulky goods. It is, nevertheless, the responsibility of the Customs office of departure to make sure that the other conditions laid down in this article for this type of transport operation are met. Customs offices of other Contracting Parties shall accept the decision of the Customs office of departure unless in their opinion it is clearly in conflict with the provisions of article 29.

0.38.1

Article 38, paragraph 1

A business enterprise should not be excluded from the TIR system because of offences committed by one of its drivers without the knowledge of the management.

0.38.2

Article 38, paragraph 2

Where a Contracting Party has been notified that a person established or resident in its territory has committed an offence on the territory of a foreign country, it need not cease to allow the issue of TIR carnets to that person.

0.39

Article 39

The expression "mistakes committed through negligence" is to be taken to mean acts which, although not committed deliberately and in full knowledge of the facts, are due to a failure to take reasonable and necessary steps to ensure the accuracy of the facts in any particular case.

Article 45

Contracting Parties are recommended to make the largest possible number of Customs offices, both inland and at the frontier, available for dealing with TIR operations.

ANNEX 2Article 2Subparagraph 1 (a) - Assembly of constituent parts

- (a) Where joining devices (rivets, screws, bolts and nuts, etc.) are used, a sufficient number of such devices shall be inserted from outside, traverse the assembled constituent parts, protrude inside and there be firmly secured (e.g. riveted, welded, bushed or bolted and swaged or welded on the nut). However, conventional rivets (i.e. rivets whose placing requires handling from both sides of the assembly of constituent parts) may also be inserted from the inside. Notwithstanding the above, load compartment floors may be secured by means of self-tapping screws, or self-drilling rivets or rivets inserted by means of an explosive charge, when placed from inside and passing at right-angles through the floor and the metallic cross-pieces underneath, on condition, except in the case of self-tapping screws, that some of their ends be flush with the level of the outside part of the cross-piece or be welded on to it.
- (b) The competent authority shall determine what joining devices, and how many of them, must fulfil the requirements of subparagraph (a) of this note; they shall do so by making sure that the constituent parts so assembled cannot be displaced and replaced without leaving obvious traces. The choice and placing of other joining devices are not subject to any restriction.
- (c) Joining devices which can be removed and replaced from one side without leaving obvious traces, i.e. without requiring handling from both sides of the constituent parts to be assembled, shall not be allowed under subparagraph (a) of this note. Examples of such devices are expansion rivets, blind rivets and the like.
- (d) The assembly methods described above shall apply to special vehicles, for example to insulated vehicles, refrigerated vehicles and tank-vehicles in so far as they are not incompatible with the technical requirements which such vehicles must fulfil having regard to their use. Where, due to technical reasons, it is not practicable to secure parts in the manner described in subparagraph (a) of this note, the constituent parts may be joined by means of the devices mentioned in subparagraph (c) of this note provided that the devices used on the inner face of the wall are not accessible from the outside.

2.2.1 (b)

Subparagraph 1 (b) - Doors and other closing systems

- (a) The device on which Customs seals can be fixed must:
- (i) be secured by welding, or by not less than two joining devices conforming to subparagraph (a) of explanatory note 2.2.1 (a); or
 - (ii) be so designed that when the load compartment has been closed and sealed the device cannot be removed without leaving obvious traces
- It must also:
- (iii) incorporate holes of not less than 11 mm in diameter or slots of at least 11 mm in length by 3 mm in width, and
 - (iv) afford equal security whatever type of seal is used.
- (b) Butt hinges, strap hinges, hinge-pins and other devices for hanging doors and the like must be secured in conformity with the requirements of subparagraphs (a) (i) and (ii) of this note. Moreover, the various components of such devices (e.g. hinge-plates, pins or swivels) must be so fitted that they cannot be removed or dismantled when the load compartment is closed and sealed without leaving obvious traces. However, where such a device is not accessible from outside it will suffice if, when the door or the like has been closed and sealed, it cannot be detached from the hinge or similar device without leaving obvious traces. Where a door or closure-device has more than two hinges, only those two hinges nearest to the extremities of the door need to be fixed in conformity with the requirements of subparagraph (a) (i) and (ii) above.
- (c) Exceptionally, in the case of vehicles having insulated load compartments, the Customs sealing device, the hinges and any fittings, the removal of which would give access to the interior of the load compartment or to spaces in which goods could be concealed, may be fixed to the doors of such load compartments by means of set bolts or set screws which are inserted from the outside but which do not otherwise meet the requirements of Explanatory Note 2.2.1 (a), subparagraph (a) above, on condition that:
- (i) the tails of the set bolts or set screws are fixed into a tapping plate or similar device fitted behind the outer layer or layers of the door structure; and
 - (ii) the heads of the appropriate number of set bolts or set screws are so welded to the Customs sealing device, hinges etc., that they are completely deformed and that the set bolts or set screws cannot be removed without leaving visible signs of tampering.^{1/}

The term "insulated load compartment" is to be taken to include refrigerated and isothermic load compartments.

^{1/} See sketch No.1 appended to this annex.

- (d) Vehicles comprising a large number of such closures as valves, stopcocks, manhole covers, flanges and the like must be designed so as to keep the number of Customs seals to a minimum. To this end, neighbouring closures must be interconnected by a common device requiring only one Customs seal, or must be provided with a cover meeting the same purpose.
- (e) Vehicles with opening roofs must be constructed in such a manner as to permit sealing with a minimum number of Customs seals.

2.2.1 (c)-1

Subparagraph 1 (c) - Ventilation apertures

- (a) Their greatest dimension must, in principle, not exceed 400 mm.
- (b) Apertures permitting direct access to the load compartment, must be obstructed by means of wire gauze or perforated metal screens (maximum dimension of holes: 5 mm in both cases) and protected by welded metal lattice work (maximum dimension of holes: 10 mm).
- (c) Apertures not permitting direct access to the load compartment (e.g. because of elbow or baffle-plate systems) must be provided with the same devices, in which, however, the dimensions of the holes may be as much as 10 mm and 20 mm respectively.
- (d) Where openings are made in sheets, the devices referred to in subparagraph (b) of this note must in principle be prescribed. However, blocking devices in the form of a perforated metal screen fitted outside, and wire or other gauze fitted inside, will be allowed.
- (e) Identical non-metal devices may be allowed provided that the holes are of the requisite dimensions and the material used is strong enough to prevent the holes from being substantially enlarged without visible damage. In addition, it must be impossible to replace the ventilation device by working from one side of the sheet only.

2.2.1 (c)-2

Subparagraph 1 (c) - Drainage apertures

- (a) Their greatest dimension must, in principle, not exceed 35 mm.
- (b) Apertures permitting direct access to the load compartment must be provided with the devices described in subparagraph (b) of explanatory note 2.2.1 (c)-1 for ventilation apertures.
- (c) When drainage apertures do not permit direct access to the load compartment, the devices referred to in subparagraph (b) of this note will not be prescribed, on condition that the apertures are provided with a reliable baffle system readily accessible from inside the load compartment.

2.3

Article 3

2.3.3

Paragraph 3 - Sheets made up of several pieces

- (a) The several pieces constituting one sheet may be made of different materials conforming to the provisions of annex 2, article 3, paragraph 2.

- (b) Any arrangement of the pieces which adequately guarantees security will be allowed in making up the sheet, on condition that the pieces are assembled in conformity with the requirements of annex 2, article 3.

2.3.6 (a) Subparagraph 6 (a) - Vehicles with sliding rings

Metal securing rings sliding on metal bars fixed to the vehicles are acceptable for the purpose of this paragraph (see sketch No.2 appended to this annex) provided that:

- (a) the bars are affixed to the vehicle at maximum spacings of 60 cms and in such a manner that they cannot be removed and replaced without leaving obvious traces;
- (b) the rings are made with a double hoop or equipped with a central bar and made in one piece without the use of welding; and
- (c) the sheet is fixed to the vehicle in strict compliance with the conditions set forth in annex 2, article 1 (a) of this Convention.

2.3.6 (b) Subparagraph 6 (b) - Permanently-secured sheets

Where one or more edges of the sheet are permanently attached to the body of the vehicle, the sheet shall be held in place by one strip of metal or other suitable material secured to the body of the vehicle by joining devices meeting the requirements of subparagraph (a) of note 2.2.1 (a) of this annex.

2.3.9 Paragraph 9 - Textile-cored steel fastening ropes

For purposes of this paragraph, ropes comprising a textile core surrounded by six strands consisting solely of steel wire and completely covering the core will be allowed on condition that the ropes (without taking into account the transparent plastic sheath, if any) are not less than 3 mm in diameter.

2.3.11 (a) Subparagraph 11 (a) - Sheet-tensioning flaps

The sheets of many vehicles are provided on the outside with a horizontal flap pierced by eyelets running along the length of the side of the vehicle. Such flaps, known as tensioning flaps, are used to tauten the sheet by means of tensioning cords or similar devices. Such flaps have been used to conceal horizontal slits made in the sheets giving improper access to the goods carried in the vehicle. It is therefore recommended that the use of flaps of this type should not be allowed. The following devices may be used instead:

- (a) tensioning flaps of similar design fixed on the inside of the sheet; or
- (b) small individual flaps each pierced by one eyelet secured to the outside surface of the sheet and spaced at such distances as will permit an adequate tensioning of the sheet.

Alternatively, it may be possible in certain cases to avoid the use of tensioning flaps on sheets.

2.3.11 (c) Subparagraph 11 (c) - Sheet thongs

2.3.11 (c)-1 The following materials are regarded as suitable for making thongs:

- (a) leather;

(b) non-tensile textile materials including plastic-covered or rubberized cloth, provided that such materials cannot after severance be welded or reconstituted without leaving obvious traces. Furthermore, the plastic material used to cover thongs shall be transparent and smooth-surfaced.

2.3.11 (c)-2

The device shown in sketch No.3 appended to this annex meets the requirements of the last part of annex 2, article 3, paragraph 11. It also meets the requirements of annex 2, article 3, paragraph 6.

3

ANNEX 3

3.0.17

Approval procedure

1. Annex 3 provides that the competent authorities of a Contracting Party may issue a certificate of approval in respect of a vehicle constructed within its territory and that no additional approval procedures shall be applied in respect of such a vehicle in the country where it is registered or, as the case may be, where the owner is resident.

2. These provisions are not intended to restrict the right of the competent authorities of the Contracting Party where the vehicle is registered or where the owner is resident to require the production of such a certificate of approval either at importation or subsequently for purposes connected with the registration or control of the vehicle or with similar legal requirements.

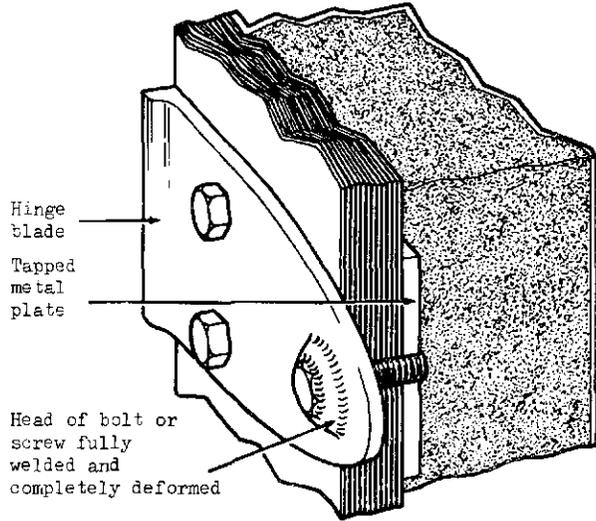
3.0.20

Procedure for endorsement of the certificate of approval

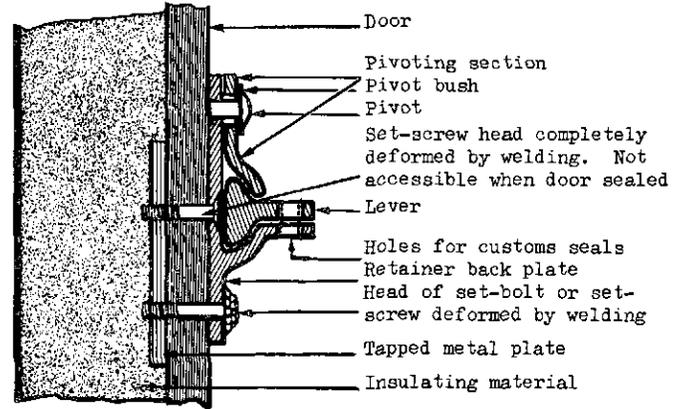
When an endorsement concerning defects is to be cancelled after the vehicle has been restored to a satisfactory state, it is sufficient to state, under item No.11 provided for the purpose, "Defects rectified" followed by the name, signature and stamp of the competent authority concerned.

Sketch No. 1

EXAMPLE OF HINGE AND CUSTOMS SEALING DEVICE ON DOORS OF
VEHICLES HAVING INSULATED LOAD COMPARTMENTS

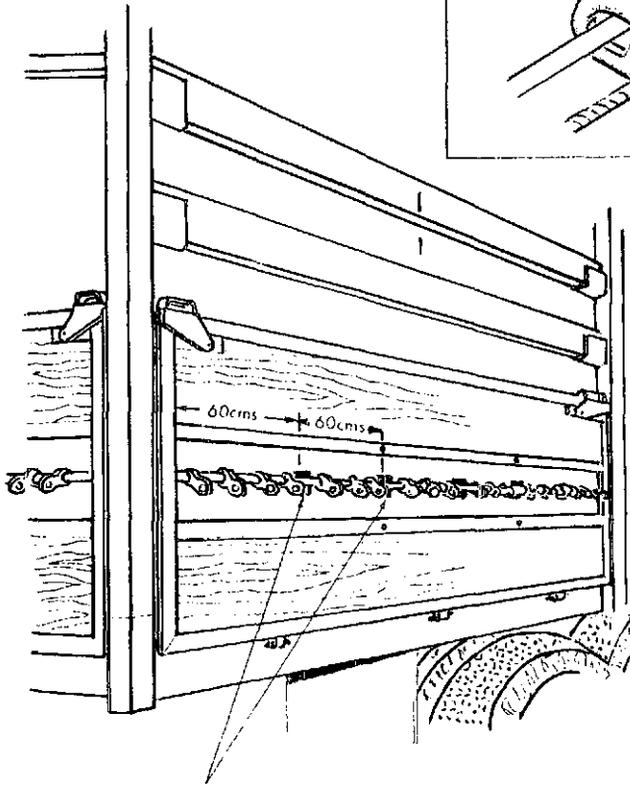
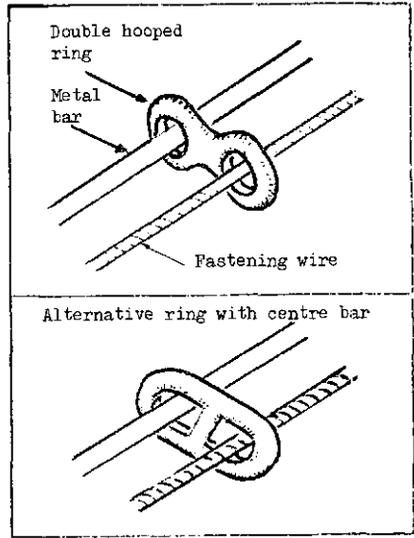


Hinge



Customs sealing device

Sketch No. 2
SHEETED VEHICLES
WITH SLIDING RINGS

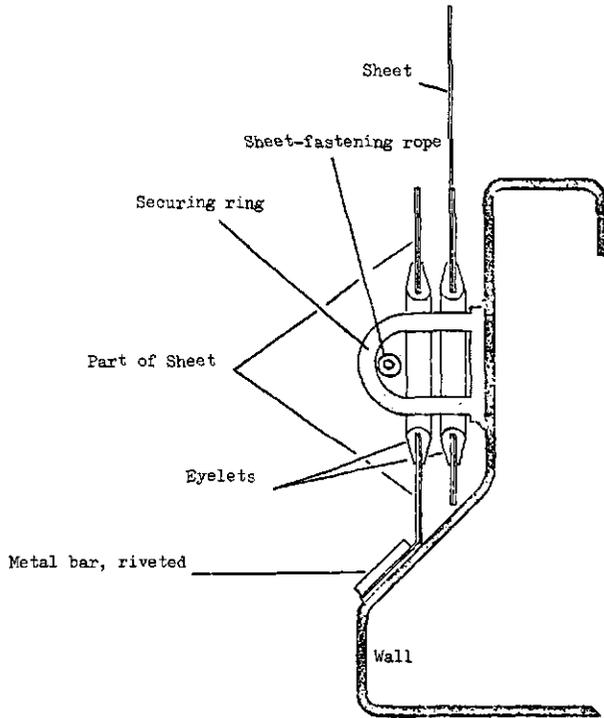


Bar attachment points

Sketch No. 3

EXAMPLE OF A DEVICE FOR FASTENING VEHICLE SHEETS

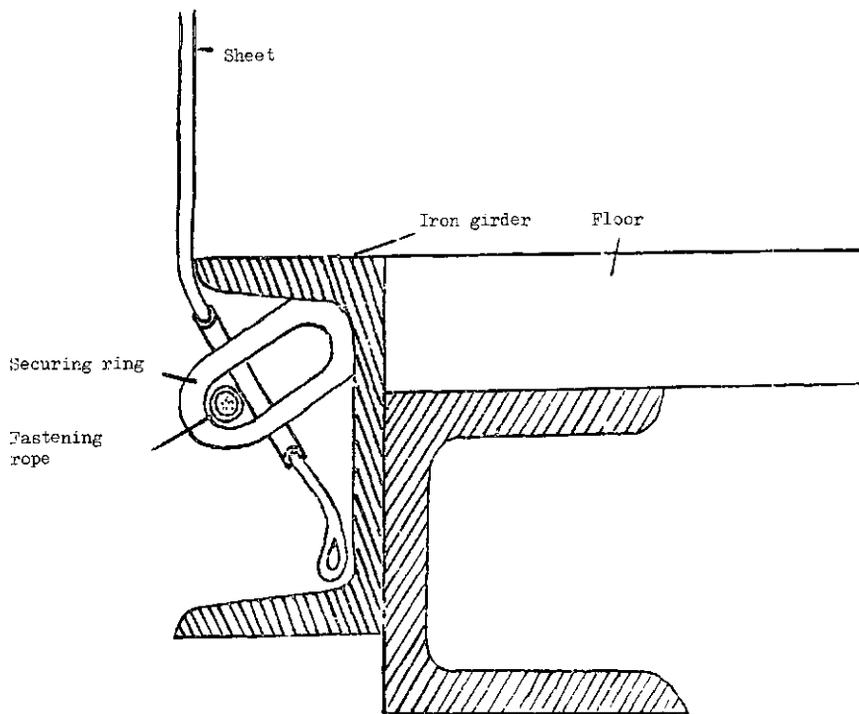
The device illustrated below meets the requirements of the last part of paragraph 11 of annex 2, article 3. It also meets the requirements of annex 2, article 3, paragraph 6.



Sketch No. 4

DEVICE FOR FASTENING SHEETS

The device illustrated below meets the requirements of annex 2, article 3, subparagraph 6(a),



Annex 7

ANNEX REGARDING APPROVAL OF CONTAINERS

Part I

REGULATIONS ON TECHNICAL CONDITIONS APPLICABLE TO CONTAINERS
WHICH MAY BE ACCEPTED FOR INTERNATIONAL TRANSPORT UNDER CUSTOMS SEAL

Article 1

Basic principles

Approval for the international transport of goods under Customs seal may be granted only to containers constructed and equipped in such a manner that:

- (a) no goods can be removed from, or introduced into, the sealed part of the container without leaving visible traces of tampering or without breaking the Customs seal;
- (b) Customs seals can be simply and effectively affixed to them;
- (c) they contain no concealed spaces where goods may be hidden;
- (d) all spaces capable of holding goods are readily accessible for Customs inspection.

Article 2

Structure of containers

1. To meet the requirements of article 1 of these Regulations:

(a) the constituent parts of the container (sides, floor, doors, roof, uprights, frames, cross-pieces, etc.) shall be assembled either by means of devices which cannot be removed and replaced from the outside without leaving visible traces or by such methods as will produce a structure which cannot be modified without leaving visible traces. When the sides, floor, doors and roof are made up of various components, these shall meet the same requirements and be of sufficient strength;

(b) doors and all other closing systems (including stopcocks, manhole-covers, flanges, etc.) shall be fitted with a device on which Customs seals can be fixed. This device must be such that it cannot be removed and replaced from outside the container without leaving visible traces, or the door or fastening be opened without breaking the Customs seals. The latter shall be adequately protected. Opening roofs shall be permitted;

(c) apertures for ventilation and drainage shall be provided with a device preventing access to the interior of the container. This device must be such that it cannot be removed and replaced from outside the container without leaving visible traces.

2. Notwithstanding the provisions of article 1 (c) of these Regulations, constituent parts of the container which, for practical reasons, have to include empty spaces (for example, between the partitions of a double wall) shall be permitted. In order that the said spaces cannot be used to conceal goods:

- (1) it shall not be possible to remove and replace the lining inside the container without leaving visible traces; or

- (ii) the number of the said spaces shall be kept to a minimum and these spaces shall be readily accessible for Customs inspection.

Article 3

Containers capable of being folded or dismantled

Containers capable of being folded or dismantled shall be subject to the provisions of articles 1 and 2 of these Regulations; in addition, they shall be fitted with a bolting system which locks the various parts together once the container has been erected. This bolting system must be capable of being sealed by the Customs if it is on the outside of the container when the latter has been erected.

Article 4

Sheeted containers

1. Where applicable, the provisions of articles 1, 2 and 3 of these Regulations shall apply to sheeted containers. In addition, these containers shall conform to the provisions of this article.
2. The sheet shall be either of strong canvas or of plastic-covered or rubberized cloth, which shall be of sufficient strength and unstretchable. It shall be in good condition and made up in such a way that once the closing device has been secured, it is impossible to gain access to the load without leaving visible traces.
3. If the sheet is made up of several pieces, their edges shall be folded into one another and sewn together with two seams at least 15 mm apart. These seams shall be made as shown in sketch No. 1 appended to these Regulations; however, where in the case of certain parts of the sheet (such as flaps at the rear and reinforced corners) it is not possible to assemble the pieces in that way, it shall be sufficient to fold the edge of the top section and make the seams as shown in sketch No.2 appended to these Regulations. One of the seams shall be visible only from the inside and the colour of the thread used for that seam shall be clearly different from the colour of the sheet itself and from the colour of the thread used for the other seam. All seams shall be machine-sewn.
4. If the sheet is of plastic-covered cloth, and is made up of several pieces, the pieces may alternatively be welded together in the manner shown in sketch No.3 appended to these Regulations. The edges of the pieces shall overlap by at least 15 mm. The pieces shall be fused together over the whole width of the overlap. The edge of the outer sheet shall be covered with a band of plastic material at least 7 mm wide, affixed by the same welding process. The plastic band and a width of at least 3 mm on each side shall have a well-marked uniform relief stamped on it. The pieces shall be welded in such a way that they cannot be separated and rejoined without leaving visible traces.
5. Repairs shall be made in accordance with the method described in sketch No.4 appended to these Regulations; the edges shall be folded into one another and sewn together with two visible seams at least 15 mm apart; the colour of the thread visible from the inside shall be different from that of the thread visible from the outside and from that of the sheet itself; all seams shall be machine-sewn. When a sheet which has been damaged near the edges is repaired by replacing the damaged part by a patch, the seam can also be made in accordance with the provisions of paragraph 3 of this article and sketch No.1 appended to these Regulations. Sheets of plastic-covered cloth may alternatively be repaired in accordance with the method described in paragraph 4 of

this article, but in that case the weld must be made on both sides of the sheet, the patch being fitted on the inside of the sheet.

6. (a) The sheet shall be fixed to the container in strict compliance with the conditions set forth in article 1 (a) and (b) of these Regulations. The following types of fastening shall be provided:

- (i) metal rings fixed to the container;
- (ii) eyelets in the edge of the sheet;
- (iii) a fastening passing through the rings above the sheet and visible from the outside for its entire length.

The sheet shall overlap solid parts of the container by at least 250 mm, measured from the centre of the securing rings, unless the system of construction of the container by itself prevents all access to the goods.

(b) When the edge of a sheet is to be permanently secured to a container, the joint shall be continuous and effected by means of solid devices.

7. The interval between rings and between eyelets shall not exceed 200 mm. The eyelets shall be reinforced.

8. The following fastenings shall be used:

- (a) steel wire rope of at least 3 mm diameter; or
- (b) a rope of hemp or sisal of at least 8 mm diameter encased in a transparent unstretchable plastic sheath.

Wire ropes may have a transparent unstretchable plastic sheath.

9. Each rope shall be in one piece and have a hard metal end-piece at each end. The fastener of each metal end-piece shall include a hollow rivet passing through the rope so as to allow the introduction of the thread or the strap of the Customs seal. The rope shall remain visible on either side of the hollow rivet so that it is possible to ensure that the rope is in one piece (see sketch No.5 appended to these Regulations).

10. At the openings in the sheet, used for loading and unloading, the two edges of the sheet shall have an adequate overlap. They shall also be fastened by:

- (a) a flap sewn or welded in accordance with paragraphs 3 and 4 of this article;
- (b) rings and eyelets meeting the conditions of paragraph 7 of this article; and
- (c) a thong made of appropriate material, in one piece and unstretchable, at least 20 mm wide and 3 mm thick, passing through the rings and holding together the two edges of the sheet and the flap; the thong shall be secured inside the sheet and fitted with an eyelet to take the rope mentioned in paragraph 8 of this article. A flap shall not be required if a special device, such as a baffle plate, is fitted, which prevents access to the goods without leaving visible traces.

11. The identification marks, which must appear on the container, and the approval plate provided for in Part II of this annex, shall in no circumstances be covered by the sheet.

Article 5

Transitional provisions

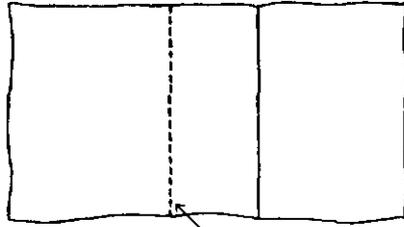
Until 1 January 1977, end-pieces shall be allowed which conform to sketch No.5 appended to these Regulations, even if they include hollow rivets of a type previously accepted with holes of dimensions less than those given in the sketch.

Part I - Sketch No.1

SHEETS MADE OF SEVERAL PIECES

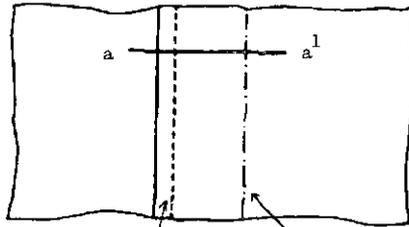
Sewn together by means of seams

Outside view



Seam

Inside view



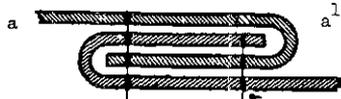
Seam

Seam

(thread of a colour different from that of the sheet and from that of the other seam)

Section a-a¹

Double flat seam



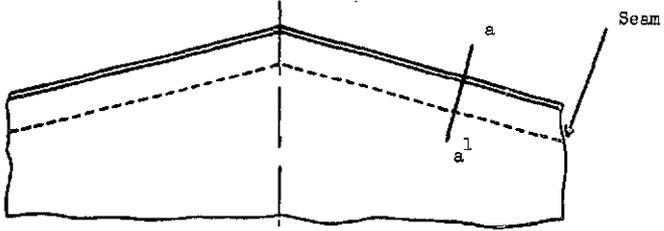
At least
15 mm

Thread visible from the inside only and of a colour different from that of the sheet and from that of the other seam

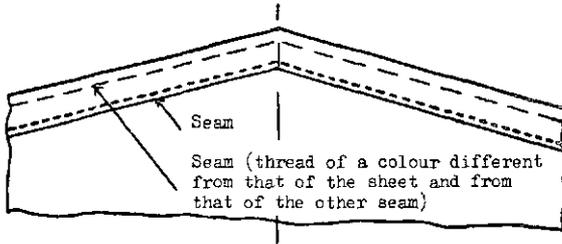
Part I - Sketch No.2
SHEETS MADE OF SEVERAL PIECES

Corner seam

Outside view

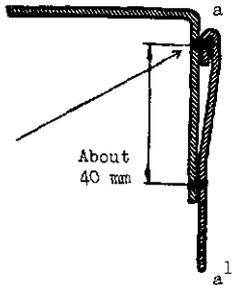


Inside view



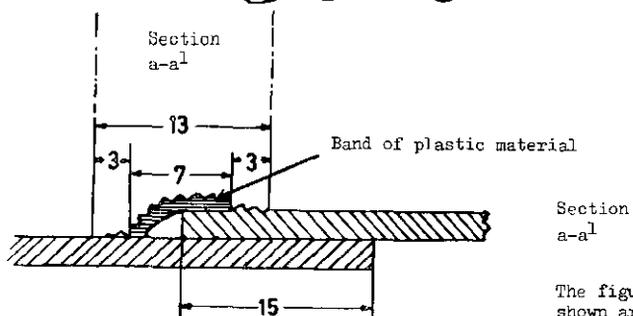
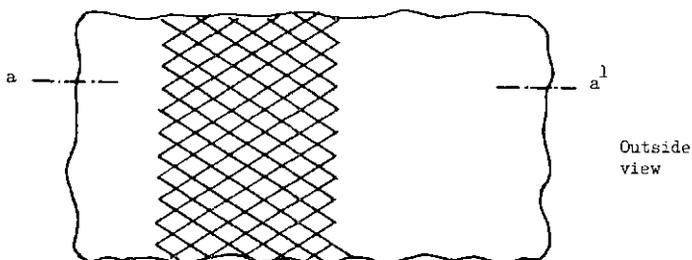
Section a-a¹

Thread visible from the inside only and of a colour different from that of the sheet and from that of the other seam



Note: The corner seams made according to the method illustrated in Sketch No.2 (a) in annex 2 of this Convention are also allowed.

Part I - Sketch No.3
SHEETS MADE OF SEVERAL PIECES
Welded together



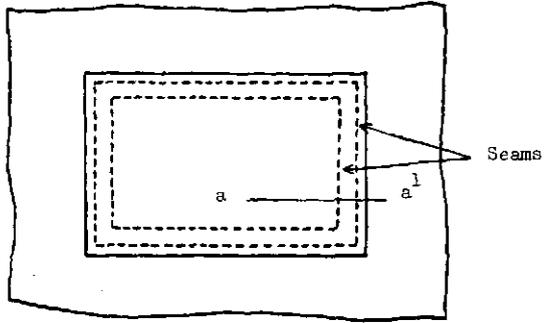
The figures shown are millimetres



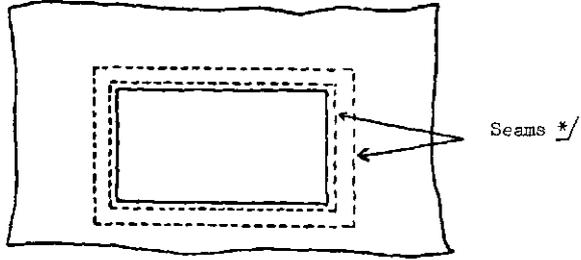
Part I - Sketch No.4

REPAIR OF THE SHEET

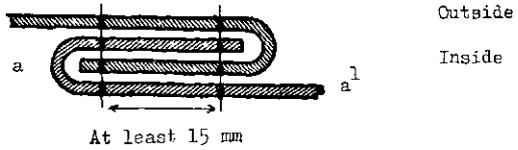
Outside view



Inside view



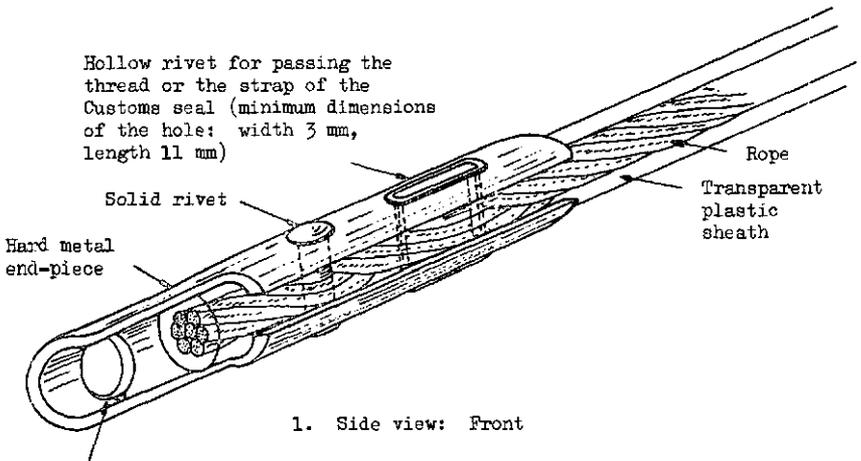
Section a-a¹



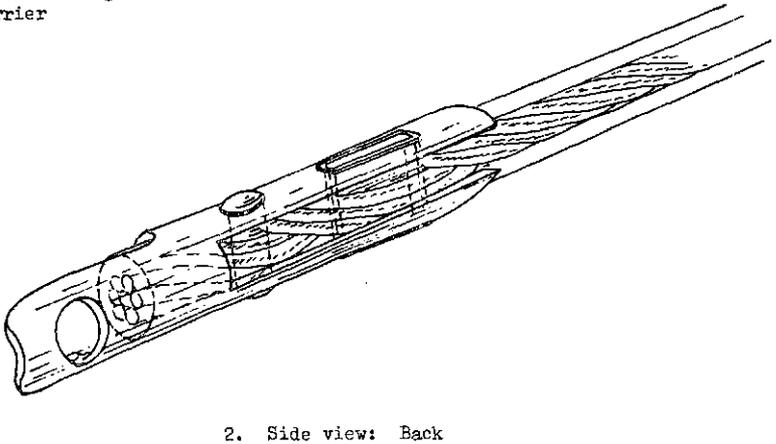
*/ Threads visible from the inside shall be of a colour different from that of the threads visible from the outside and from that of the sheet.

Part I - Sketch No.5

SPECIMEN OF END-PIECE



Hole for closing by carrier



Part II
PROCEDURES FOR THE APPROVAL OF CONTAINERS COMPLYING
WITH THE TECHNICAL CONDITIONS PRESCRIBED IN PART I

General

1. Containers may be approved for the transport of goods under Customs seal either:
 - (a) at the manufacturing stage, by design type (procedure for approval at the manufacturing stage); or
 - (b) at a stage subsequent to manufacture, either individually or in respect of a specified number of containers of the same type (procedure for approval at a stage subsequent to manufacture).

Provisions common to both approval procedures

2. The competent authority responsible for granting approval shall issue to the applicant, after approval, a certificate of approval valid, as the case may be, either for an unlimited series of containers of the approved type or for a specified number of containers.
3. The beneficiary of approval shall affix an approval plate to the approved container or containers before their use for the transport of goods under Customs seal.
4. The approval plate shall be affixed permanently and in a clearly visible place adjacent to any other approval plate issued for official purposes.
5. The approval plate, conforming to model No. I reproduced in appendix 1 to this Part, shall take the form of a metal plate measuring not less than 20 cm by 10 cm. The following particulars shall be stamped into or embossed on the plate or indicated on its surface in any other permanent and legible way, in at least the English or the French language:
 - (a) the words "Approved for transport under Customs seal";
 - (b) an indication of the country in which approval was granted either by name or by means of the distinguishing sign used to indicate the country of registration of motor vehicles in international road traffic, and the number (figures, letters, etc.) of the certificate of approval and the year (e.g. "NL/26/73" means "Netherlands, certificate of approval No. 26, issued in 1973");
 - (c) the serial number assigned to the container by the manufacturer (manufacturer's number);
 - (d) if the container has been approved by type, the identification numbers or letters of the type of container.
6. If a container no longer complies with the technical conditions prescribed for its approval, it shall, before it can be used for the transport of goods under Customs seal, be restored to the condition which had justified its approval, so as to comply again with the said technical conditions.
7. If the essential characteristics of a container are changed, the container shall cease to be covered by the approval and shall be reapproved by the competent authority before it can be used for the transport of goods under Customs seal.

Special provisions for approval by design type at the manufacturing stage

8. Where the containers are manufactured by type series, the manufacturer may apply to the competent authority of the country of manufacture for approval by design type.
9. The manufacturer shall state in his application the identification numbers or letters which he assigns to the type of container to which his application for approval relates.

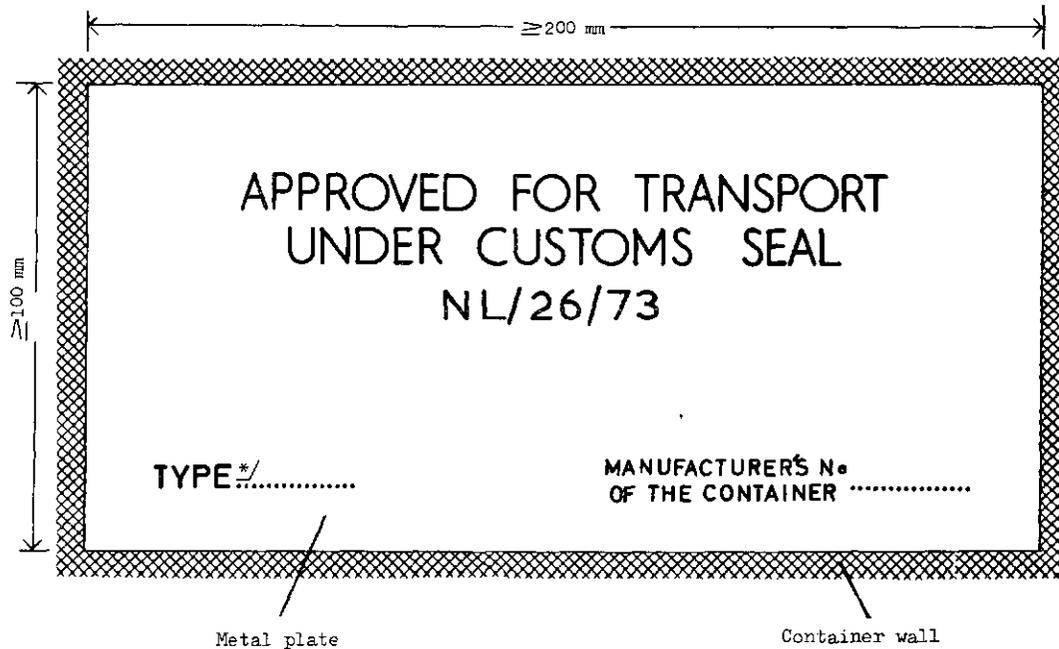
10. The application shall be accompanied by drawings and a detailed design specification of the container type to be approved.
11. The manufacturer shall give an undertaking in writing that he will:
- (a) produce to the competent authority such containers of the type concerned as that authority may wish to examine;
 - (b) permit the competent authority to examine further units at any time during the production of the type series concerned;
 - (c) advise the competent authority of any change, of whatever magnitude, in the design or specification before proceeding with such change;
 - (d) mark the containers in a visible place with, in addition to the markings required on the approval plate, the identification numbers or letters of the design type and the serial number of the container in the type series (manufacturer's number);
 - (e) keep a record of containers manufactured to the approved design type.
12. The competent authority shall state what changes, if any, must be made to the proposed design type so that approval may be granted.
13. No type-approval by design type shall be granted unless the competent authority has satisfied itself by examination of one or more containers manufactured to the design type concerned that containers of that type comply with the technical conditions prescribed in Part I.
14. When a container type is approved there shall be issued to the applicant a single certificate of approval conforming to model No. II reproduced in appendix 2 to this Part and valid for all containers manufactured in conformity with the specifications of the type so approved. Such certificate shall entitle the manufacturer to affix to every container of the type series an approval plate in the form prescribed in paragraph 5 of this Part.

Special provisions for approval at a stage subsequent to manufacture

15. If approval has not been applied for at the manufacturing stage, the owner, the operator, or the representative of either, may apply for approval to the competent authority to which he is able to produce the container or containers and for which he seeks approval.
16. An application for approval submitted under paragraph 15 of this Part shall state the serial number (manufacturer's number) placed on each container by the manufacturer.
17. When the competent authority has ascertained that the container or containers comply with the technical conditions prescribed in Part I, by examination of as many containers as it considers necessary, it shall issue a certificate of approval conforming to model No. III reproduced in appendix 3 to this Part and valid solely for the number of containers approved. Such certificate, which shall bear the manufacturer's serial number or numbers assigned to the container or containers to which it relates, shall entitle the applicant to affix to each container so approved the approval plate prescribed in paragraph 5 of this Part.

Appendix 1 to Part II

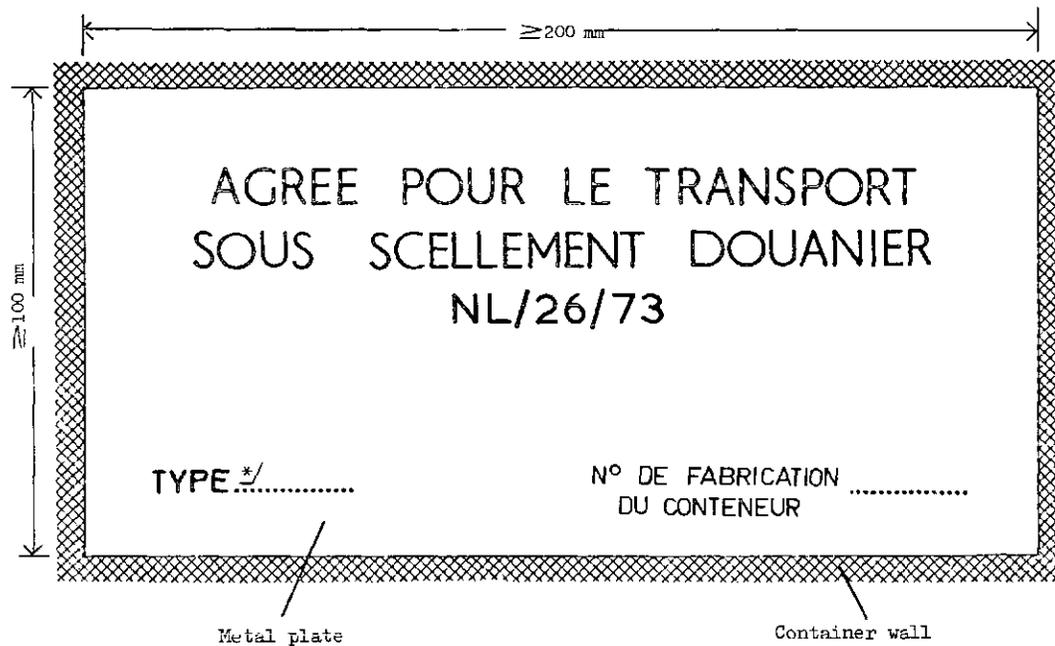
MODEL No. I
APPROVAL PLATE
(English version)



*/ Only in case of approval by design type

Appendix 1 to Part II

MODEL No. I
APPROVAL PLATE
(French version)



*/ Only in case of approval by design type

Appendix 2 to Part II

MODEL No. II

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

Certificate of approval by design type

1. Certificate No.*/
2. This is to certify that the container design type described below has been approved and that containers manufactured to this type can be accepted for the transport of goods under Customs seal.
3. Kind of container
4. Identification number or letters of the design type
5. Identification number of the working drawings
6. Identification number of the design specifications
7. Tare weight
8. External dimensions in cm
9. Essential characteristics of structure (nature of materials, kind of construction, etc.)
.....
.....
10. This certificate is valid for all containers manufactured in conformity with the drawings and specifications referred to above.
11. Issued to
(manufacturer's name and address)
who is authorized to affix an approval plate to each container of the approved design type manufactured by him,
at on 19
(place) (date)
by
(signature and stamp of issuing service or organization)
(See notice overleaf)

* / Insert the letters and figures, which are to be marked on the approval plate (see annex 7, part II, paragraph 5 (b), to the Customs Convention on the International Transport of Goods under cover of TIR Carnets, 1975).

IMPORTANT NOTICE

(Annex 7, part II, paragraphs 6 and 7, to the Customs Convention
on the International Transport of Goods under cover of TIR Carnets, 1975)

6. If a container no longer complies with the technical conditions prescribed for its approval, it shall, before it can be used for the transport of goods under Customs seal, be restored to the condition which had justified its approval, so as to comply again with the said technical conditions.
7. If the essential characteristics of a container are changed, the container shall cease to be covered by the approval and shall be reapproved by the competent authority before it can be used for the transport of goods under Customs seal.

Appendix 3 to Part II

MODEL No. III

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

Certificate of approval
granted at a stage subsequent to manufacture

1. Certificate No. */
2. This is to certify that the container (containers) specified below has (have) been approved for the transport of goods under Customs seal.
3. Kind of container(s)
4. Serial number(s) assigned to the container(s) by the manufacturer
5. Tare weight
6. External dimensions in cm
7. Essential characteristics of structure (nature of materials, kind of construction, etc.)
8. Issued to
(applicant's name and address)
who is authorized to affix an approval plate to the above-mentioned container(s),
at on 19..
(place) (date)
by
(signature and stamp of issuing service or organization)
(See notice overleaf)

*/ Insert the letters and figures, which are to be marked on the approval plate (see annex 7, part II, paragraph 5 (b), to the Customs Convention on the International Transport of Goods under cover of TIR Carnets, 1975).

IMPORTANT NOTICE

(Annex 7, part II, paragraphs 6 and 7, to the Customs Convention
on the International Transport of Goods under cover of TIR Carnets, 1975)

6. If a container no longer complies with the technical conditions prescribed for its approval, it shall, before it can be used for the transport of goods under Customs seal, be restored to the condition which had justified its approval, so as to comply again with the said technical conditions.
7. If the essential characteristics of a container are changed, the container shall cease to be covered by the approval and shall be reapproved by the competent authority before it can be used for the transport of goods under Customs seal.

Part III

EXPLANATORY NOTES

1. The Explanatory Notes to annex 2 set out in annex 6 of this Convention apply mutatis mutandis to containers approved for transport under Customs seal for the application of this Convention.

2. Part I - article 4, paragraph 6, subparagraph (a)

Example of a system of affixing sheets around containers' corner-castings, acceptable from a Customs point of view, is given in the sketch appended to this Part III.

3. Part II - paragraph 5

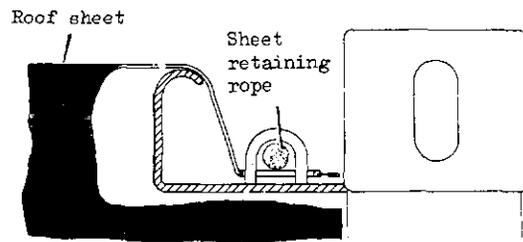
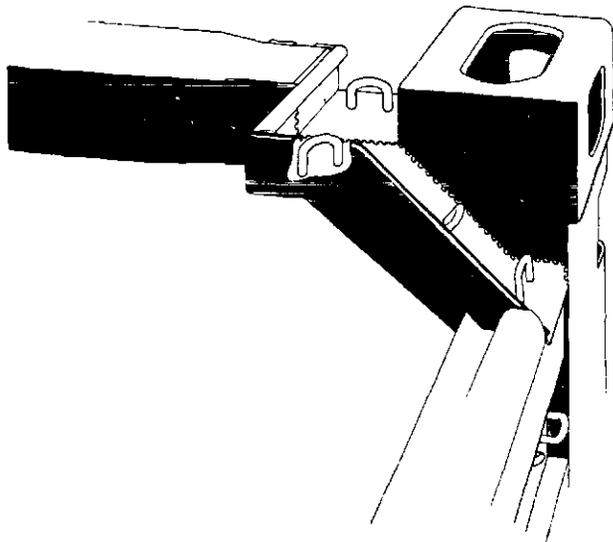
If two sheeted containers, approved for transport under Customs seal have been joined together in such a way that they form one container, covered by a single sheet and fulfilling the conditions for transport under Customs seal, a separate certificate of approval, or approval plate, shall not be required for the combination.

Part III

DEVICE FOR AFFIXING SHEETS AROUND CONTAINERS' CORNER CASTINGS

The device illustrated below meets the requirements of Part I, article 4, paragraph 6, subparagraph (a).

Application at corner posts



Sectional view

Annex 8

COMPOSITION AND RULES OF PROCEDURE OF THE ADMINISTRATIVE COMMITTEE

Article 1

- (i) The Contracting Parties shall be members of the Administrative Committee.
- (ii) The Committee may decide that the competent administrations of States referred to in article 52, paragraph 1 of this Convention which are not Contracting Parties or representatives of international organizations may, for questions which interest them, attend the sessions of the Committee as observers.

Article 2

The Secretary-General of the United Nations shall provide the Committee with secretariat services.

Article 3

The Committee shall, at its first session each year, elect a chairman and a vice-chairman.

Article 4

The Secretary-General of the United Nations shall convene under the auspices of the Economic Commission for Europe the Committee annually and also at the request of the competent administrations of at least five States which are Contracting Parties.

Article 5

Proposals shall be put to the vote. Each State which is a Contracting Party represented at the session shall have one vote. Proposals other than amendments to this Convention shall be adopted by the Committee by a majority of those present and voting. Amendments to this Convention and the decisions referred to in articles 59 and 60 of this Convention shall be adopted by a two-thirds majority of those present and voting.

Article 6

A quorum consisting of not less than half of the States which are Contracting Parties is required for the purposes of taking decisions.

Article 7

Before the closure of its session, the Committee shall adopt its report.

Article 8

In the absence of relevant provisions in this annex, the Rules of Procedure of the Economic Commission for Europe shall be applicable unless the Committee decides otherwise.

Chapter 6

Amendments to 1975 TIR Convention */

This chapter includes four amendments and one modification to the TIR Convention.

Amendment 1
(entered into force on 1 August 1979)

Annex 2, Article 3, Paragraph 8

For the existing text substitute:

8. "The spaces between the rings and the spaces between the eyelets shall not exceed 200 mm. The spaces may however be greater but shall not exceed 300 mm between rings and eyelets on either side of the upright if the construction of the vehicle and the sheet is such as to prevent all access to the load compartment. The eyelets shall be reinforced".

Annex 6

Insert a new explanatory note after note 2.36 b) to read as follows:

2.3.8. Paragraph 8 - Spaces between the rings and between the eyelets

"Spaces exceeding 200 mm but not exceeding 300 mm are acceptable over the uprights if the rings are recessed in the side boards and the eyelets are oval and so small that they can just pass over the rings".

*/ Source: Economic Commission for Europe.

Amendment 2
(entered into force on 1 October 1980)

Annex 1, rule 10 c)

Delete the introductory phrase:

"When there is not enough space in the manifest to enter all the goods carried".

Annex 6

Insert a new explanatory note after No. 0.45 to read as follows:

"1 Annex 1

1.10 c) Rules regarding the use of the TIR carnet

- Loading lists annexed to the goods manifest.

No. 10 c) of the rules regarding the use of the TIR carnet permits the use of loading lists as annex to the TIR carnet even when there would otherwise be enough space in the manifest to enter all the goods carried. However, this is permissible only if the loading lists contain all the particulars required by the goods manifest in legible and recognizable form and all other provisions of Rule 10 c) are complied with."

Amendment 3
(entered into force on 1 October 1981)

Annex 6

For the last phrase of section a) of the existing text of explanatory note 2.2.1. a), i.e. "Notwithstanding the above, ... be welded on to it.", substitute the following:

"Notwithstanding the above, load compartment floors may be secured by means of self-tapping screws, self-drilling rivets or rivets inserted by means of an explosive charge or pins inserted pneumatically, when placed from inside and passing at right-angles through the floor and the metallic cross-pieces underneath, on condition, except in the case of self-tapping screws, that some of their ends be flush with the level of the outside part of the cross-piece or be welded on to it."

Amendment 4
(entered into force on 1 October 1982)

Annex 6

Renumber existing explanatory note No. 2.3.6 a) to 2.3.6 a) - 1

Insert a new explanatory note after No. 2.3.6 a) - 1 to read as follows:

"2.3.6 a) - 2 Subparagraph 6 a) - Vehicles with swivel rings

Metal swivel rings, each of which rotates in a metal bracket fixed to the vehicle are acceptable for the purpose of this paragraph (see sketch No. 2a appended to this annex) provided that:

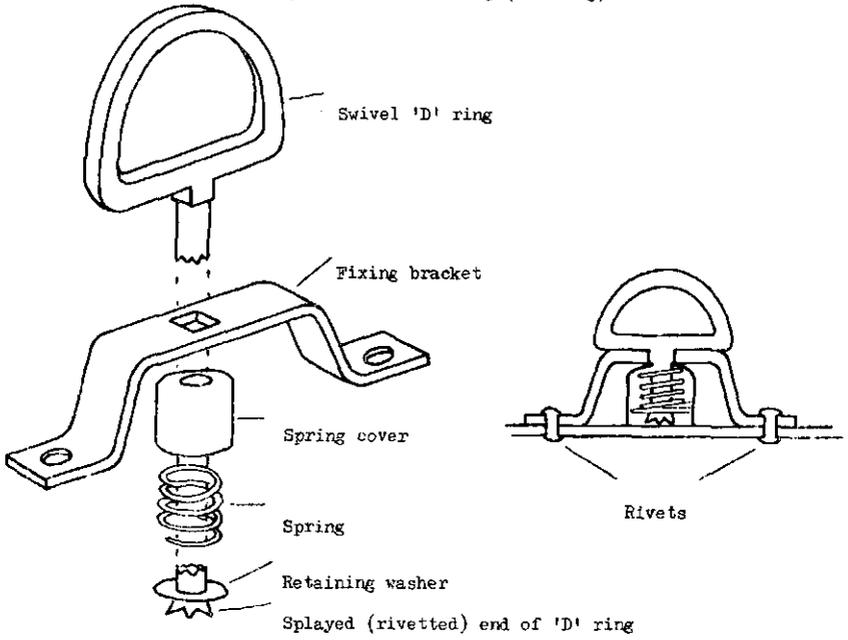
- a) each bracket is affixed to the vehicle in such a manner that it cannot be removed and replaced without leaving obvious traces; and
- b) the spring under each bracket is completely enclosed by a bell-shaped metal cover".

Insert sketch No. 2a reproduced hereunder after sketch No. 2 appended to this annex.

For the phrase "surrounded by six strands" in the existing text of explanatory note 2.3.9, substitute "surrounded by at least four strands".

Sketch No. 2a

Example of a swivel ring ('D' ring)



Modification

Modification by rectifying letter (see the Report of the Administrative Committee of the International Convention for Safe Containers 1972, document 27.370 CCA, 19).

ANNEX 6, Note 2.3.6 b)

"Where one or more edges of the sheet are permanently attached to the body of the vehicle, the sheet shall be held in place by one or more strips of metal or other suitable material secured to the body of the vehicle by joining devices meeting the requirements of subparagraph a) of note 2.2.1 a) of this annex."

Annex I

MESSAGE FROM THE EXECUTIVE BRANCH TO THE LEGISLATURE
REQUESTING APPROVAL OF THE TIR CONVENTION */

The complete text of the message actually sent by the Executive Branch of the Government of the Eastern Republic of Uruguay to the Legislative Branch, requesting approval of the TIR Convention, is presented below. The message describes in detail the process followed by the Executive Branch in analysing the Convention, and the reasons that justify its adoption.

*/ Source: Official Gazette (Diario Oficial) of Uruguay, No. 20794, 1 August 1980.

- República Oriental del Uruguay
- Poder Ejecutivo
- Ministry of Transport and Public Works
- Ministry of Foreign Affairs
- Ministry of Economic Affairs and Finance
- Ministry of National Defense

Montevideo, 18 July 1980

Mr. President of the Council of State,

Dr. Hamlet Reyes:

The Executive has the honour to address itself to the Council of State, in conformity with Article 168, subparagraph 20, of the Constitution of the Republic, to request approval of the Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention), done at Geneva on 14 November 1975.

The transport of goods among the countries of the Southern Cone is an activity of fundamental importance for the development and diversification of their reciprocal trade. At the present time, owing to the lack of harmonization of the procedures and Customs regulations applicable to goods in transit, transport among the countries in question is not carried out efficiently, despite the fact that modern technology has afforded the possibility of mobilizing goods more rapidly and that the countries concerned, particularly Uruguay, have made enormous efforts to modernize their ports and frontier crossing-points and to consolidate international overland connexions and their respective access infrastructures.

In so far as a large number of different requirements for the transit of goods is maintained, the crossing of frontiers will continue to be a complicated operation attended by delays.

It is for this reason that in the Southern Cone countries increasing concern is being felt in respect of the need to simplify and harmonize Customs transit documents and the corresponding control systems.

At the Ninth Meeting of Ministers of Public Works and Transport of the Countries of the Southern Cone (Cochabamba, June 1979), resolution 1.31 (IX) was unanimously adopted, whereby countries were enjoined to study the advisability of acceding to the TIR System established in the 1975 Geneva Convention, and to make every effort to ensure their accession prior to the next Meeting of Ministers.

In compliance with this resolution, a meeting was held at Buenos Aires, Argentina, from 27 to 29 June 1979, which was attended by representatives of seven countries of the region, with the participation of official Customs and transport associations, as well as of representatives of various international organizations and of the private sector.

At this meeting a programme of work was approved for implementation by each country, the provisions of which included the holding of seminars to analyse the TIR Convention and the conditions in which it could be applied.

During the month of November 1979, the Ministry of Transport and Public Works (MTOF) -after consultation with SEPLACODI- organized meetings in which the following national institutions and professional associations participated:

- Secretariat of Planning, Co-ordination and Diffusion,
- Office discharging the function of correspondent in relation to the Meetings of Ministers of Public Works and Transport of the Southern Cone (MTOF),
- National Transport Department (MTOF),
- State Railways Administration,
- National Ports Administration,
- Ministry of Foreign Affairs,
- National Customs Department,
- State Insurance Bank,
- Tax Department,
- Bank of the Eastern Republic of Uruguay,
- Central Bank of Uruguay,
- Civil Aviation Department,

- Chamber of International Transport of Uruguay (CATIDU),
- Uruguayan Motor Transport Confederation (CUTA),
- Association of Customs Agents.

The meeting on 22 November 1979 was also attended by high-ranking officials of the International Road Transport Union (IRU), the Economic Commission for Latin America (CEPAL), the Latin American Free Trade Association (ALALC) and the Economic Commission for Europe (ECE), all of whom made a special journey to our country in conformity with the programme drawn up at Buenos Aires.

Lastly, in March and April 1980, meetings at the national level continued to be held in MTOP for the purpose of defining the position to be taken up by our country at the Meetings of Ministers of Public Works and Transport of the Southern Cone.

I. The TIR Convention.

The intensive use of road transport in post-war Europe made it plain that traditional Customs controls at frontiers, with the corresponding inspections and administrative formalities, constituted an obstacle to the expeditious and efficacious movement of goods. In face of this situation, in 1949 the United Nations Economic Commission for Europe (ECE) formulated a draft convention intended to permit the simplification and speeding-up of frontier Customs formalities, which came into force as an administrative agreement among a limited number of countries and later became the TIR Convention. After many years of experience, the ECE, in close collaboration with the International Road Transport Union (IRU) -an organization which administers the system of financial guarantee- prepared the 1975 Convention, in which rules are introduced that are more in keeping with present times, and the TIR System is extended to multimodal transport and is accorded worldwide scope in case non-European States might wish to accede to the Convention. Consequently, the existing 1975 TIR Convention is a United Nations Convention of which the Secretary-General of that organization is the depository.

Obviously, a set of Customs transit regulations such as those laid down in the TIR Convention is only one of the requisites for the international transport of goods. It is a necessary but not a sufficient condition, since other formalities must also be complied with at the national level and in bilateral

relations between countries, in order to ensure the efficiency of the operation. Nevertheless, the experience gathered in recent years in the countries that have acceded to the Convention shows that the TIR System is quite often the first stage on the way to greater harmonization and facilitation of international road transport.

Lastly, it should be pointed out that although originally the Convention was applicable almost exclusively to road transport, it has now acquired a more ample dimension in that it has become a General Transit Convention of worldwide significance, which can also be utilized for the carriage of goods by other modes (air, maritime and rail transport), even if only part of the journey is performed by road.

Today the Contracting Parties to the Convention comprise all the European countries, as well as the United States of America, Canada, Japan, Iran, Jordan, Israel and Afghanistan, and several African countries have already expressed their interest in acceding to the Convention.

Under the Convention a vehicle or container provided with the TIR Customs document -a TIR carnet- can, under normal conditions, make the journey from its point of departure to its point of destination without undergoing any control when crossing intermediate frontiers.

The TIR carnets are formulated by the General Secretariat of the IRU in Geneva, which undertakes to distribute them to the national associations that represent it in the countries acceding to the Convention. To obtain a TIR carnet, the carrier must not only possess vehicles or containers which fulfill the conditions laid down in the Convention, but must also belong to a national association authorized to issue carnets and furnish professional and economic guarantees.

The national association stands guarantor, under an agreement with the Customs authorities, for the duties and taxes payable on goods transported under cover of TIR carnets issued by it or by any other member of the international chain of guaranteeing associations.

Similarly, the national guaranteeing association must sign an undertaking with the IRU regulating the reciprocal rights and liabilities implicit in the operation of the TIR system.

Lastly, for the purpose of fully guaranteeing the payment of sums claimed on account of irregularities in a TIR operation, the IRU has negotiated a surety bond with a pool of international insurance companies.

II. Analysis at the national level.

At the meetings held here in Uruguay, the various participants from public and private institutions directly or indirectly linked to the transport sector had an opportunity to consult the documents on the TIR system and to exchange opinions as to the possible advantages and drawbacks that would attach to our country's accession to the 1975 Geneva Convention. In addition, during the meeting held on 22 November 1979, international officials answered a long list of questions on regulatory aspects of the Convention and on its applicability to the countries of the Southern Cone. Subsequently, in March and April 1980, after these officials had completed their visits to the seven Southern Cone countries, the representatives of the public and private sector again met in MTOP with the aim of singling out background material which would make it possible to present the government authorities with the bases for adoption of a decision on the question, prior to the Tenth Meeting of Ministers of Public Works and Transport of the Southern Cone. During these last meetings the position that gradually prevailed was favourable to accession to the TIR Convention, and was grounded, in part, on the following basis concepts:

- i- Transport under cover of the TIR carnet is absolutely voluntary. The transport operation between our own and neighbouring countries -provided it does not entail transit to internal Customs offices- might be advantageously effected in accordance with the traditional régime.
- ii- The TIR Convention is perfectly reconcilable with the Convention on International Land Transport currently in force among the countries of the Southern Cone. What is more, it complements that Convention in respect of Customs formalities applicable to the carriage of goods in transit, without prejudice to the intervention exercised therein by the national transport authority. This latter can unquestionably continue its inspection and supervision of private enterprises in everything relating to authorization of

international road transport and to the approval of the corresponding vehicles.

- iii- Uruguay is making a considerable effort to adapt its port infrastructure to the increasing use of containers, which are of major significance in transport under the TIR Convention.
- iv- Since the "Common Rules relating to the Customs Transit Régime" drafted by ALALC are only guidelines recommended to national legislatures for the purposes of preparing Customs transit regulations, they have had a very limited effect on the harmonization of national systems. Furthermore, they do not provide for a system of guarantees whereby the Customs authorities are assured of payment of the import or export duties that may possibly be due in cases of improper or fraudulent entry or exit of goods to or from a country. The implementation of the TIR system will be an indirect way of attaining the objectives pursued by ALALC in respect of the facilitation of transit operations, as a necessary consequence of compliance with the rules which are embodied in the 1975 Geneva Convention and which are binding on the Contracting Parties.
- v- The Commercial Association of Uruguay and the professional carriers' associations which represent the whole of the private sector addressed themselves formally to the Ministry of Transport and Public Works, stressing the importance which in their opinion attaches to the country's accession to the TIR Convention, basically because of the advantages resulting therefrom in the shape of appreciable flexibilization of Customs clearance of the goods transported and consequent furtherance of their more rapid circulation.
- vi- The geographical location of our country in relation to its neighbours and the advantages afforded by our port infrastructure, and the overland transport network which serves it in intra-continental traffic to and from the rest of the Southern Cone countries seem to point towards a decision favourable to Uruguay's accession, in consideration of its status as an exporter of services.
- vii- The present situation of transport in Uruguay and of the government services that would participate in the TIR procedure, as well as

installed capacity in the private entrepreneurial sector concerned with transport, warrants the assertion that there are no objections to the possible accession of our country to the TIR Convention, on the clear understanding that in such an event measures will have to be adopted to consolidate the material and financial security required in respect of operations under cover of the System.

The first implies preparing to meet the requirements for the approval of transport equipment, as regards both the load compartment of vehicles and containers.

The second will call for the establishment of a national guaranteeing association authorized by the National Customs Department and empowered to act as surety for carriers using the TIR procedure and to enter into agreements with the IRU international insurance consortium.

The result of the analysis of the TIR Convention carried out between June 1975 and the present date has made it possible to take a favourable attitude towards accession to the Convention. This position has the backing of the opinions expressly stated by the institutions that have most actively participated in the relevant discussions, namely:

- Secretariat of Planning, Co-ordination and Diffusion
- Ministry of Transport and Public Works
- Ministry of Foreign Affairs
- National Customs Department
- National Ports Administration
- State Railways Administration
- Tax Department
- Civil Aviation Department
- Commercial Association of Uruguay
- Chamber of International Transport of Uruguay
- Uruguayan Motor Transport Confederation.

For the reasons set forth, the Executive understands the TIR Convention to be a proven tool for facilitating transit -and consequently the international transport of goods- which would not only resolve problems relating to the reciprocal trade of the Southern Cone countries, but would also have the additional advantage of facilitating extra-regional trade, which for the time being is still that of greatest relative importance in our country's trade relations.

The executive reiterates to the Council of State the assurance of its highest and most distinguished consideration.

Annex II

MODEL SURETY BOND FOR THE DIRECTORATE GENERAL OF CUSTOMS */

I

In accordance with the provisions of the Customs Convention on the International Transport of Goods under cover of TIR carnets of 15 January 1959 and 14 November 1975, and the agreement concluded on between the Directorate-General of Customs and the Association of, the Insurance Company of hereby undertakes to stand surety of the Customs administration up to an amount of per TIR carnet as a joint bond for all claims by the Customs administration on persons who import or export goods or carry them in transit under cover of a TIR carnet issued by the Association or by another member organization of IRU.

II

The liability of the Insurance Company shall extend to the following goods transported under cover of a TIR carnet:

(a) During transport under Customs seal:

All the goods listed on the manifest and all not shown on the manifest but to be found in the part of the vehicle or container placed under Customs seal.

(b) During the transport of weighty or bulky goods in accordance with the appropriate provisions of the aforementioned TIR convention;

All the goods listed on the TIR carnet manifest and all those which, while not shown on this manifest, may be found on the load deck or among the goods listed on the TIR carnet.

*/ Source: International Road Transport Union (IRU)

If, on re-export or the taking over of the goods for Customs processing the Customs offices find that goods are missing, such goods shall be assessed at the highest rate applicable to the type of goods covered by the entries on the TIR carnet, unless adequate additional proof can be supplied on their nature.

In each individual case, the liability of the Insurance Company shall commence at the moment when the TIR carnet is taken over by the Customs office. It shall cease in accordance with the conditions laid down by each Convention.

III

The Insurance Company shall undertake to pay the amounts which the Customs administration is entitled to claim within three months following a demand on the part of the Directorate-General of Customs.

In the cases provided for in Section II, paragraph 2 of the agreement between the Association and the Directorate-General of Customs, the latter shall not require the Insurance Company to pay until the time allowed to the Association has expired without any proofs having been provided of re-export or another Customs process.

This surety bond may be terminated by either party at any time at three month's notice. Nevertheless, the obligations laid down in this bond shall remain applicable to all Customs clearances made before the expiry of the notice of termination.

The provisions of the Customs legislation relating to Customs bonds and those of the Code of Obligations shall nonetheless apply to the surety bond.

This surety bond shall come into force on

Done at on

The Insurance Company.

Annex III

MODEL DEED OF ENGAGEMENT
BETWEEN THE NATIONAL ASSOCIATION ISSUING TIR CARNETS
AND THE IRU */

concerning the issue of TIR carnets

of

.....
(hereinafter referred to as the Association)

towards

the International Road Transport Union (hereinafter referred to as IRU), Centre International, 3, rue de Varembé, Geneva, Switzerland,

in accordance with the provisions of the:

Customs conventions on the international transport of goods under cover of TIR carnets (TIR Convention), concluded on 15 January 1959 and on 14 November 1975.

With a view to ensuring the proper functioning of the TIR carnet system, it is agreed as follows:

I

The present Deed of Engagement, which specifies minimal requirements, applies to the Associations, members or not of the IRU, that issue and warrant TIR carnets whose cover and counterfoils bear the IRU stamp.

II

The Association undertakes to adhere strictly to the instructions governing the TIR carnet system laid down by the IRU, to which it will submit its implementation procedures for approval.

III

The Association undertakes, in particular, to put into practice the following rules:

*/ Source: IRU.

A. RELATIONSHIP OF THE ASSOCIATION WITH THE IRU

(a) National carriers

1. The Association shall take all necessary measures to ensure that than applicant provides the fullest possible guarantee as to his moral character, his professional competency, and his financial reliability prior to his being allowed to benefit from the use of the TIR carnet. These measures shall be reviewed by the Association as often as it deems necessary, and at least biennially. The procedures for admission to or suspension from the TIR system applied by the Association shall be communicated to the IRU's General Secretariat, which retains the right to require any alteration it considers necessary. If the Association does not agree with the decision, the penalties foreseen in chapter E "SANCTIONS" are applicable.
2. The Association shall issue TIR carnets only to applicants it has previously approved of and who are signatories to the declaration of engagement appended to and forming part of the present Deed of Engagement.

(b) Foreign carriers

1. As an exceptional measure, the Association is authorized to issue to a foreign carrier the TIR carnets essential for his return journey, if (1) the carrier is the holder of an IRU-TIR carnet valid for the outward journey and issued in his name, for the vehicle concerned, by his national association, and (2) he is able to support his claim that he could not foresee, at the start of his outward journey, the number of TIR carnets he would need for his return journey. This right is withdrawn if the applicant's national association raises objections to the issue of such carnets.
2. Whenever possible, the Association thus approached shall get into touch with the applicant's national association with a view to ascertaining whether the applicant is authorized to perform transport operations under the TIR system.
3. The maximum period of validity of a TIR carnet issued in these conditions shall not exceed 30 days.

(c) General rules

1. The Association shall notify the IRU and the association issuing the TIR carnet of any difficulty encountered in a foreign country or in the issuing country that may have serious consequences.
2. The Association shall not issue TIR carnets to carriers that have been suspended by the Customs authorities or by the IRU.
3. The Association shall take all steps required to ensure that the time-limits which it has set for the return of TIR carnets and which are incorporated in the declaration of engagement signed by the carrier are duly complied with. In the event of failure to adhere to these limits, the Association shall take any measures necessary and, in particular, shall issue, within 45 days following the carnet's expiry dates, a warning to the carrier at fault, granting it a further maximum period of 30 days in which to return the carnets. When this second time-limit has expired, and in default of justifications it regards it as valid, the Association may withhold further issues of TIR carnets to the carrier concerned until such time as the latter shall have returned the carnets in dispute.
4. The Association shall take all necessary sanctions against the holder of a TIR carnet who has made improper or fraudulent use of the document and, in particular, shall suspend, either temporarily or permanently, all further issues of TIR carnets to that carrier. The Association shall take all measures dictated by circumstances and, in particular, shall either withdraw its approval of or refuse to issue TIR carnets to carriers no longer in a position to provide the same guarantees exacted of them at the time of their admission to the system.
5. The Association shall, in any case, take all the precautionary measures listed above in the event that a carrier becomes involved in bankruptcy or liquidation proceedings or in any other act, whether juridical or not, indicating that the carrier can no longer meet its obligations.
6. The Association shall send to the IRU Secretariat General each month the TIR carnets used during the previous month and duly cleared by the Customs authorities, together with a statement that follows the format of the attached model. The same procedure shall be followed in respect of TIR carnets delivered to holders but not used within their prescribed period of validity.

7. The Association shall inform the IRU Secretariat General by telex or telegramme of any serious accident (loss, theft or accidental destruction of TIR carnets) or infractions of the provisions governing the use of TIR carnets.
8. The Association shall co-operate with the IRU and with other issuing associations to determine precisely the circumstances under which the irregularities or infractions were committed during the use, in its country, of TIR carnets issued by another association, in order to facilitate the settlement of the dispute with the Customs authorities.
9. The Association shall accept all verifications of the IRU regarding the conditions for admission of carriers to the TIR system, and regarding its administrative handling of the TIR carnet procedure.
10. The Association promises to pay the IRU Secretariat General for TIR carnets ordered, upon receipt of the corresponding invoice.
11. The Association shall advise the IRU forthwith of any changes in the amount of the guarantee that may be exacted by the Customs authorities of its country, or in the conditions governing the use of the TIR procedure.
12. The Association shall immediately inform the IRU of claims for payments submitted by the Customs authorities resulting from lawsuits. The IRU guarantees the Association of the payment of the amounts claimed, either directly or through insurance companies.
13. The Association shall notify the IRU of the practical measures taken in application of the above rules.

B. RELATIONS OF THE ASSOCIATION WITH THE CARRIER

Relations of the Association with the carrier shall be governed by a declaration of engagement drawn up according to the model attached to the present document, of which it is an integral part.*/

*/ The model deed of engagement is here included as annex 4 of the manual.

Administrative procedure

1. The Association shall, when issuing a TIR carnet, fill in lines 2, 3, 4 and 12 (signature and stamp) of the 1959 TIR carnet cover, or lines 1, 2, 3 and 4 (signature and stamp) of the 1975 TIR carnet cover.
2. The Association shall fix the duration of validity of the carnets it issues. This period shall, under no circumstances, exceed three months and may be reduced by decisions of the IRU.

Exceptionally the Association may grant a single extension of a carnet's validity for a period of one month, if sound grounds exist.

Exceptionally, an issuing association may extend, for a maximum of 20 days, the period of validity of a TIR carnet produced by a carrier residing abroad. The Association shall confirm the decision taken to the carrier's national issuing association, by telex or telegramme.

3. The Association shall provide the TIR carnet holder with the official report forms stipulated in the 1959 or 1975 TIR Convention.
4. The Association shall keep up to date a register of carriers authorized to engage in transport under the TIR system.
5. The Association shall immediately return all undischarged or conditionally discharged TIR carnets to the holder, in order that he may obtain, as quickly as possible, a statement from the Customs authorities proving that the matter has been settled, or the Association itself shall make the necessary arrangements.
6. The Association undertakes to make the necessary representations to the TIR carnet holder found guilty of an infraction in the use of a TIR carnet, with a view to reaching a prompt settlement of the dispute with the Customs authorities. It also undertakes to inform the issuing association at the earliest opportunity regarding the settlement reached.

C. RELATIONS OF THE ASSOCIATION
WITH THE CUSTOMS AUTHORITIES

If the Customs authorities contest an IRU TIR carnet used by a foreign holder, the Association shall co-operate in the settlement of the dispute.

D. RELATIONS OF THE ASSOCIATION
WITH THE INSURANCE COMPANIES CONCERNED

In the event of a dispute, the Association shall lend assistance to the international pool of insurers or to the national insurance company representing the pool in the country concerned, in order to obtain reimbursement of any expenses the pool or company may incur in resolving the dispute between the carrier and the Customs authorities.

E. SANCTIONS

1. If the Association fails to abide by the obligations it has undertaken by the terms of the present contract, the IRU may, besides excluding the Association from IRU membership as provided for in Art. 8 of the Constitution, take the following actions against it:
 - (a) Warning;
 - (b) Reprimand;
 - (c) Suspension of the right to issue TIR carnets for a specific period;
 - (d) Permanent suspension of that right resulting in the termination of the contract.
2. The sanctions referred to under (a) and (b) shall be imposed by the Secretary-General, after having asked the issuing Association for explanations.

The sanctions referred to under (c) and (d) shall be imposed by the Presidency of the IRU upon receipt of a proposal for sanction and a statement of facts from the Secretary-General. The accused Association shall be required to appear before the Presidency by registered letter, to which copies of the proposal and the statement have been attached.

A time-limit of 15 days, effective as from the date it receives the summons, shall be granted to the accused Association in order that it may prepare its case.

3. In case of emergency and in the event that the whole TIR system is imperiled by the doings of the Association, the Secretary-General may give notice to the Association to stop all further issues of TIR carnets for a period not exceeding one month.

In accordance with paragraph 2, the Secretary-General shall immediately lay the matter before the Presidency of the IRU.

4. Should the Association, despite the warning and/or reprimand, fail to abide by the terms of this contract, it may be held liable for the refund, in full or in part, of the financial losses incurred by the IRU through its fault, in so far as such losses are not borne by the insurers.
5. In case of permanent suspension of the right to issue TIR carnets this contract shall be deemed null and void. The Association shall remain liable for TIR carnets if issues to carriers and for TIR carnets used throughout its national territory by foreign carriers prior to the date the permanent suspension became effective. The IRU shall then be entitled to seek another issuing association in the country concerned.

Upon receiving notice of permanent suspension, the undersigned Association shall return all TIR carnets still in its possession, whether used or unused, to the IRU.

Place:..... Date:

Signature and stamp of the Association:

.....

Annex IV

MODEL AGREEMENT
BETWEEN THE DIRECTORATE-GENERAL OF CUSTOMS
AND THE NATIONAL ROAD TRANSPORT ASSOCIATION */

Concerning the application of the Customs Conventions on the International Transport of Goods under Cover of TIR Carnets dated 15 January 1959 and 14 November 1975.

I

1. The Association shall provide the surety of the Insurance Company of for all claims of the Customs administration against persons who import or export goods or carry them in transit under cover of a TIR carnet issued by the Association or another member organization of the IRU.
2. The Directorate-General of Customs shall draw up the text of the surety bond after consulting with the Association.
3. If the surety bond is terminated by the guarantor, the Association shall provide, prior to the date on which such termination takes effect, a new surety bond that shall be valid from the moment of the previous bond. If a new surety bond is not supplied and accepted within the period of notice of termination, the Directorate-General of Customs shall refuse Customs clearance under a TIR carnet if that carnet has been issued by a member organization of the IRU.

II

1. The Directorate-General of Customs shall inform the Association of any irregularities discovered during the transport of goods covered by a TIR carnet and which the Customs administration cannot settle otherwise with the party responsible.

The Association shall explain such irregularities, provide the Directorate-General of Customs with any requested information and take any action the latter shall require.

*/ Source: IRU.

2. If the Directorate-General of Customs finds that a TIR carnet has not been discharged within the stipulated time-limit, it shall inform the Association thereof in writing and shall allow the Association a period of three months in which to provide proof of the export or of any other Customs process (Customs clearance on import, new temporary Customs clearance, etc.).

If the Association cannot, within the time-limit allowed, provide satisfactory proof for the subsequent discharge of the contested TIR carnet, the Directorate-General of Customs shall, within three months, claim payment of the sum due from the Insurance Company.

3. The Association shall also undertake to assist the Customs administration of as effectively as possible if an irregularity is discovered after the discharge of a TIR carnet carrying the seal of the IRU.

III

This agreement may be terminated by either party at any time upon three months' notice. The obligations laid down in this agreement shall nevertheless remain applicable to all Customs clearances made before the expiry of the notice of termination.

The Directorate-General of Customs reserves the right to suspend Customs clearance under TIR carnets issued by member organizations of the IRU after the expiry of this period of notice.

IV

The present agreement shall enter into force on

Done at on

The Directorate-General of Customs

The.....Association

Annex V

MODEL DEED OF GUARANTEE BY THE NATIONAL ROAD TRANSPORT ASSOCIATION AND THE NATIONAL CUSTOMS AUTHORITY */

I

In conformity with the provisions of the Customs Convention relating to the international transport of goods under cover of TIR carnet, dated 15 January 1959 and 14 November 1975, and with the agreement signed on between the Customs Department and the Association, the Association assumes liability to the Customs Administration for a sum of up to US\$ 50 000 (or the equivalent in its country's currency) per TIR carnet, as guarantee or surety for all credits granted by the Customs Administration to persons importing, exporting, or carrying goods under cover of a TIR carnet which has been issued by the Association or by any other organizations affiliated to the IRU.

II

The liability of the Association extends to the following goods carried under cover of the TIR carnet:

- (a) During transport operations carried out under Customs seals: to all goods which are enumerated in the TIR carnet manifest and also to any goods which, though not enumerated therein, may be contained in the sealed section of the road vehicle or in the sealed container.
- (b) During transport of heavy or bulky goods carried out in accordance with the relevant provisions of the TIR Convention referred to above: to all goods enumerated in the TIR carnet manifest and also to any goods which, though not enumerated in the manifest, are on the load platform or among the goods enumerated in the TIR carnet.

8/ Source: IRU.

If, during the re-export of goods or their acceptance under another customs régime, the Customs authorities should note that goods are missing, duties and taxes shall be charged on these at the highest rate applicable to the kind of goods covered by the particulars of the TIR carnet, unless sufficient additional evidence of their precise nature is produced.

In each special case, the liability of the Association commences at the time when the TIR carnet is accepted by the Customs office. This liability terminates in accordance with the conditions laid down by each Convention.

III

The Association undertakes to pay, within three months from the date of an embargo issued by the Customs Department, any sums which the Customs Administration is entitled to claim.

In the cases provided for in Chapter II, subparagraph 2, of the Agreement between the Association and the Directorate-General of Customs, the latter shall notify that payment is due only when the time-limit granted to the Association has expired without proof of re-export or any other Customs formality having been produced.

IV

The present deed of guarantee may be annulled by either party, at any time within a period of three months. The liabilities established in this deed, however, shall continue to be applicable to all Customs clearance operations effected prior to the expiry of the annulment period.

In short, the provisions of the Customs legislation in respect of Customs sureties, as well as those of the Code of Liabilities, are applicable to the guarantee.

This deed of guarantee enters into force on.....

Annex VI

MODEL DECLARATION OF ENGAGEMENT OF THE CARRIERS FOR ADMISSION TO THE TIR CUSTOMS REGIME ^{☆/}

In pursuance of the provisions of the Customs Convention on the International Transport of Goods under Cover of TIR Carnets, concluded on 15 January 1959 and 14 November 1975.

The holder of the TIR carnet hereby undertakes to:

1. Adhere strictly to the provisions of the TIR Customs régime as stipulated, particularly those appearing on the cover page of the TIR carnet, as well as to the directions for use of this document which have been transmitted to him by the issuing association, and to issue the necessary instructions to his employees.
2. Fill in legibly all items in the TIR carnet and not remove the yellow page or the vouchers it contains.
3. Use TIR carnets containing the number of vouchers corresponding to the transport operation undertaken. For all operations affecting more than two Customs administrations, he must use carnets with 14 to 20 vouchers.
4. Refrain from using standard TIR carnets for the transport of tobacco or similar products.
5. Affix the prescribed TIR plates to the vehicle (removable and capable of being sealed by Customs). These plates must be used only if the transport is effected under the TIR customs régime.

A. RELATIONS OF THE HOLDER TO THE CUSTOMS AUTHORITIES

The holder of the TIR carnet undertakes to:

1. Comply with all Customs regulations in force at the Customs offices of departure, en route, and of destination.

^{☆/} Source: IRU

2. Request the Customs authorities to affix forthwith the stamps and signatures essential for the proper execution of the transport effected under the TIR régime. In the event of failure to obtain or refusal of these stamps and signatures, immediately advise, in writing, the association that issued the TIR carnet.
3. Demand a certificate of the Customs authorities if, for any reason, the TIR carnet is not returned to him by the Customs office of destination.
4. Verify that the particulars inserted in the TIR carnet do, in fact, conform to those of the goods actually loaded on the vehicle. In the event of error, demand of the Customs authorities a certificate explaining the discrepancy to weight, volume, or number of packages.
5. Take all appropriate measures with the Customs authorities and with any other person with a view to obtaining the regularization of the transport operation effected under the TIR Customs régime, in the event of a discrepancy between the goods listed in the manifest and those tallied at the time the vehicle is unloading. Immediately inform the association issuing the TIR carnet of the steps taken to discharge such reservations and to ensure the regularization of the operation effected under the TIR Customs régime.
6. Request of the Customs authorities an explanation of any reservation entered on the counterfoil of the TIR carnet.

B. RELATIONS OF THE HOLDER WITH THE ASSOCIATION ISSUING TIR CARNETS

The holder of the TIR carnet undertakes to:

1. At the request of the issuing association, provide a bond or guarantee drawn up in favour of and in the amount determined by the association issuing TIR carnets, to cover any obligations it may incur while fulfilling the provisions of the TIR Convention.
2. Return forthwith to the issuing association all used and duly discharged TIR carnets, as well as all TIR carnets remaining unused after the expiry of their dates of validity.
3. Advise the issuing association immediately -either by telex or by telegramme- in the event of:

- Loss, theft or destruction of a TIR carnet;
- Obstruction by the Customs authorities of procedures related to the payment of duties;
- Conditional discharge of the TIR carnet;
- Irregular execution of the transport operation resulting from accident or other causes;
- And, as a general rule, any difficulty with the Customs authorities.

4. Assume responsibility for and settle the payment of all amounts the issuing association or any natural or legal person acting on its behalf might be called upon to pay as a result of the non-regularization of a TIR carnet.

Termination of the guarantee

The holder acknowledges the issuing association's right to deprive him, either temporarily or permanently, of the right to use TIR carnets guaranteed by it, whenever he no longer meets the required conditions or whenever he commits an infraction of the Customs regulations or of the provisions governing the use of TIR carnets drawn up by the guaranteeing association.

Such a measure shall also be applied in the event that the carrier becomes involved in bankruptcy, liquidation or in any other action, whether juridical or not, showing that it can no longer meet its obligations.

Duration of validity

This declaration of engagement, which determines minimum conditions, shall remain valid as long as the holder of the TIR carnet is authorized by the issuing association to use the TIR carnet, provided that it must be renewed at least every two years.

Place: Date:
 Signature

The place of jurisdiction shall be the business headquarters of the issuing association.

Geneva,.....

Annex VII

MINIMUM REQUIREMENTS TO BE MET BY CUSTOMS SEALS AND FASTENINGS

Customs seals and fastenings shall meet the following minimum requirements:

1. General requirements in respect of seals and fastenings:
The seals and fastenings, together, shall
 - (a) be strong and durable;
 - (b) be capable of being affixed easily and quickly;
 - (c) be capable of being readily checked and identified;
 - (d) not permit removal or undoing without breaking or tampering without leaving traces;
 - (e) not permit use more than once;
 - (f) be made as difficult as possible to copy or counterfeit.

2. Physical specification of seals:
 - (a) the shape and size of the seal shall be such that any identifying marks are readily legible;
 - (b) each eyelet in a seal shall be of a size corresponding to that of the fastening used, and shall be positioned so that the fastening will be held firmly in place when the seal is closed;
 - (c) the material used shall be sufficiently strong to prevent accidental breakage, early deterioration (due to weather conditions, chemical action, etc.) or undetectable tampering;

Source: Appendix III of Annex E.1 of the "International Convention on the Simplification and Harmonization of Customs Procedures" (Kyoto Convention), 30 July 1976.

(d) the material used shall be selected by reference to the sealing system used.

3. Physical specification of fastenings:

(a) the fastenings shall be strong and durable and resistant to weather and corrosion;

(b) the length of the fastenings used shall not enable a sealed aperture to be opened or partly opened without the seal or fastening being broken or otherwise showing obvious damage;

(c) the material used shall be selected by reference to the sealing system used.

4. Identification marks:

The seal or fastening, as appropriate, shall be marked:

(a) to show that it is a Customs seal, by application of the word "Customs" preferably in one of the official languages of the Council (English or French);

(b) to show the country which applied the seal, preferably by means of the sign used to indicate the country of registration of motor vehicles in international traffic;

(c) to enable the Customs office by which the seal was affixed, or under whose authority it was affixed, to be identified, for example, by means of code letters or numbers.

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