



Council of the  
European Union

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## **LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

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Subject: COUNCIL DECISION on the position to be adopted, on behalf of the European Union, within the Administrative Committee for the TIR Convention, as regards the proposal to amend the Customs Convention on the International Transport of goods under cover of TIR carnets (TIR Convention 1975)

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**COUNCIL DECISION**

**of**

**on the position to be adopted, on behalf of the European Union,  
within the Administrative Committee for the TIR Convention,  
as regards the proposal to amend the Customs Convention  
on the International Transport of goods under cover of TIR carnets  
(TIR Convention 1975)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207, in conjunction with Article 218 (9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Customs Convention on the International Transport of goods under cover of TIR Carnets (TIR Convention) of 14 November 1975 was approved on behalf of the European Economic Community by Council Regulation (EEC) No 2112/78 of 25 July 1978<sup>1</sup> and entered into force in the Community on 20 June 1983<sup>2</sup>.
- (2) A consolidated version of the TIR Convention was published as an Annex to Council Decision 2009/477/EC of 28 May 2009<sup>3</sup>, according to which the Commission is to publish future amendments to the TIR Convention in the *Official Journal of the European Union* indicating their date of entry into force.
- (3) Various amendments to the International Convention on the Harmonised Commodity Description and Coding system (HS Convention) have been agreed. These amendments entered into force for all Contracting Parties to the HS Convention on 1 January 2012. The amendments make it necessary to amend the Model of the TIR Carnet and a reference in the Explanatory Note.

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<sup>1</sup> OJ L 252, 14.9.1978, p. 1.

<sup>2</sup> OJ L 31, 2.2.1983, p. 13.

<sup>3</sup> OJ L 165, 26.6.2009, p. 1.

- (4) As a consequence of the introduction of ITDB online+, an international repository of information concerning all persons authorised by Contracting Parties to use the TIR procedure, the Administrative Committee for the TIR Convention ("the Administrative Committee") agreed that using ITDB online+ to transmit the legally required data on authorized TIR operators to ITDB makes submission of such data in any other form, for example, on paper or by e-mail, redundant. To clarify this principle in the text of the TIR Convention, the Administrative Committee advocated the introduction of two new Explanatory Notes. A similar Explanatory Note is proposed regarding the transmission of data on exclusions to the TIR Executive Board.
- (5) Following the discussion of the TIR Executive Board on the professional requirements for the nomination of TIR Executive Board members and on the intermediate election of replacement TIR Executive Board members, including considerations on how to amend the existing Rules of Procedures, the TIR Executive Board transmitted proposals for two new Explanatory Notes to the Administrative Committee. The first proposed Explanatory Note aims to address the professional requirements of prospective TIR Executive Board members, in order to signal to Contracting Parties how to best proceed when nominating a candidate. The second new Explanatory Note recommends the practice to follow in the event a member of the TIR Executive Board resigns or is unable to complete his/her mandated term of office. It also gives the Administrative Committee an opportunity to decide whether the by-election will take place. The amendment to Rules of Procedures of the TIR Executive Board containing both modifications were adopted at its 49<sup>th</sup> and 50<sup>th</sup> sessions.

- (6) An amendment of Annex 9, Part I of the TIR Convention entered into force on 1 January 2012<sup>1</sup> and introduced, among others, a new obligation for the national associations to provide the TIR Executive Board with the prices of TIR Carnets. However the deadline to fulfil this obligation was unclear. The proposed amendment would clarify this deadline.
- (7) During its 57<sup>th</sup> and 58<sup>th</sup> session in February 2014 the Administrative Committee adopted the proposed amendments of the TIR Convention, subject to the completion of the internal procedures of the Union.
- (8) The position to be adopted on behalf of the Union concerning the proposed amendments should therefore be determined,

HAS ADOPTED THIS DECISION:

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<sup>1</sup> OJ L 66, 6.3.2012, p. 1.

*Article 1*

The position to be adopted on behalf of the European Union within the Administrative Committee for the TIR Convention shall be based on the draft amendments attached to this Decision.

Minor changes to the draft amendments may be agreed by the representatives of the Union in the Administrative Committee for the TIR Convention without further decision of the Council.

*Article 2*

The Commission shall publish the amendments to the TIR Convention, once adopted, in the *Official Journal of the European Union* indicating its date of entry into force.

*Article 3*

This Decision shall enter into force on the date of its adoption.

Done at Brussels,

*For the Council*

*The President*

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## ANNEX

### **Annex 1, page 11, point (5)**

For HS code: 24.03.10 read HS code: 24.03.11 and 24.03.19 (ECE/TRANS/WP.30/AC.2/113, para. 35)

### **Annex 6, Explanatory Note 0.8.3, point (5)**

For HS code: 24.03.10 read HS code: 24.03.11 and 24.03.19 (ECE/TRANS/WP.30/AC.2/113, para. 35)

### **Annex 6, new Explanatory Note 0.38.2**

Add a new Explanatory Note to Article 38, paragraph 2 to read:

#### Explanatory Note to paragraph 2

0.38.2 The legal requirement to notify the TIR Executive Board that a person has been temporarily or permanently excluded from the operation of the Convention is deemed to be fulfilled by means of the proper use of electronic applications developed to this end by the TIR secretariat under the supervision of the TIR Executive Board.  
(ECE/TRANS/WP.30/AC.2/115, para. 43)

## **Annex 6, New Explanatory Note 8.9.1**

Add new Explanatory Note to Annex 8, Article 9, paragraph 1 to read:

- 8.9.1 The members of the TIR Executive Board shall be competent and experienced in the application of Customs procedures, particularly the TIR transit procedure, both at national and international levels. Board members shall be nominated by their respective Governments or organizations being Contracting Parties to the Convention. They shall represent the interests of the Contracting Parties to the Convention and not the specific interests of any one individual Government or organization.  
(ECE/TRANS/WP.30/AC.2/117, para. 29)

## **Annex 6, New Explanatory Note 8.9.2**

Add new Explanatory Note to Annex 8, Article 9, paragraph 2 to read:

- 8.9.2 In the event a member of the TIR Executive Board resigns before the completion of his/her mandated term of office, the Administrative Committee may elect a replacement member. In that case the elected member shall only hold office for the unexpired portion of the term of office of his/her predecessor. In the event that a member of the TIR Executive Board is unable, for reasons other than resignation, to complete his or her term of office, this information should be transmitted in writing to the TIR Executive Board and the TIR secretariat by the national administration of the member concerned. In this case, the Administrative Committee may elect a replacement member for the unexpired portion of the term of office. (ECE/TRANS/WP.30/AC.2/117, para. 29)



## **Annex 6, New Explanatory Note 9.II.4**

Add a new Explanatory Note to Annex 9, Part II, paragraph 4 to read:

### Explanatory Note to paragraph 4

9.II.4 The legal requirements for data submission, as set out in paragraph 4 are deemed to be fulfilled by means of the proper use of electronic applications developed to this end by the TIR secretariat under the supervision of the TIR Executive Board.  
(ECE/TRANS/WP.30/AC.2/113, para. 30)

## **Annex 6, New Explanatory Note 9.II.5**

Add a new Explanatory Note to Annex 9, Part II, paragraph 5 to read:

### Explanatory Note to paragraph 5

9.II.5 Explanatory Note 9.II.4 applies mutatis mutandis to paragraph 5.  
ECE/TRANS/WP.30/AC.2/113, para. 30)

## **Annex 9, Part I, paragraph 3 (vi)**

For the existing text read:

"(vi) provide the TIR Executive Board, annually, before 1 March with the price of each type of TIR Carnet it issues;"

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