No. 4996

AUSTRIA, BELGIUM, BULGARIA, DENMARK, FEDERAL REPUBLIC OF GERMANY, etc.

Customs Convention (with annexes and Protocol of signature) on the International Transport of Goods under Cover of TIR Carnets (TIR Convention). Done at Geneva, on 15 January 1959

Official texts: English and French.

Registered ex officio *on 7 January 1960.*

AUTRICHE, BELGIQUE, BULGARIE, DANEMARK, RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE, etc.

Convention douanière (avec annexes et Protocole de signature) relative au transport international de marchandises sous le couvert de carnets TIR (Convention TIR). Faite à Genève, le 15 janvier 1959

Textes officiels anglais et français.

Enregistrée d'office le 7 janvier 1960.

No. 4996. CUSTOMS CONVENTION[1] ON THE INTERNATIONAL TRANSPORT OF GOODS UNDER COVER OF TIR CARNETS (TIR CONVENTION). DONE AT GENEVA, ON 15 JANUARY 1959

THE CONTRACTING PARTIES,

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

HAVE AGREED as follows :

CHAPTER I

DEFINITIONS

Article 1

For the purpose of this Convention :

(*a*) the term " import or export duties and taxes " shall mean not only Customs duties but also all duties and taxes whatsoever chargeable by reason of importation or exportation;

(*b*) the term " road vehicle " shall mean not only any road motor vehicle but also any trailer or semi-trailer designed to be drawn by such a vehicle;

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

(i) of a permanent character and accordingly strong enough to be suitable for repeated use;
(ii) specially designed to facilitate the carriage of goods, by one or more modes of transport, without intermediate reloading;
(iii) fitted with devices permitting its ready handling, particularly its transfer from one mode of transport to another;
(iv) so designed as to be easy to fill and empty; and
(v) having an internal volume of one cubic metre or more;

the term " container " includes neither vehicles nor conventional packing;

[1] In accordance with article 40, the Convention came into force on 7 January 1960, the ninetieth day after the following five countries had signed it without reservation of ratification (*) or had deposited their instruments of ratification on the dates indicated below :

Bulgaria*	15 April 1959
Denmark*	15 April 1959
France	3 July 1959
Sweden*	14 April 1959
United Kingdom of Great Britain and Northern Ireland (applicable to the Channel Islands and the Isle of Man)	9 October 1959

(*d*) the term " Customs office of departure " shall mean any inland or frontier Customs office of a Contracting Party where the system provided by this Convention begins to apply to an international transport by road vehicle of a load or part-load of goods;

(*e*) the term " Customs office of destination " shall mean any inland or frontier Customs office of a Contracting Party where the system provided by this Convention ceases to apply to an international transport by road vehicle of a load or part-load of goods;

(*f*) the term " Customs office *en route* " shall mean any frontier Customs office of a Contracting Party which a road vehicle merely passes through in the course of an international transport under the system provided by this Convention;

(*g*) the term " persons " shall mean both natural and legal persons;

(*h*) the term " heavy or bulky goods " shall mean any object which, in the opinion of the Customs authorities of the Customs office of departure, cannot readily be dismantled for transport and of which

(i) the weight exceeds 7,000 kg; or
(ii) one dimension exceeds 5 metres; or
(iii) two dimensions exceed 2 metres; or
(iv) the height, taking account of the loading position, exceeds 2 metres.

CHAPTER II

Scope

Article 2

This Convention shall apply to the transport of goods without intermediate reloading across one or more frontiers between a Customs office of departure of one Contracting Party and a Customs office of destination of another Contracting Party, or of the same Contracting Party, in road vehicles or in containers carried on such vehicles, notwithstanding that such vehicles are carried on another means of transport for part of the journey between the offices of departure and destination.

Article 3

For the provisions of this Convention to become applicable :

(*a*) transport must be performed under the conditions set forth in Chapter III by means of road vehicles or containers previously approved; however, in the territory of Contracting Parties who have entered no reservation in accordance with paragraph 1 of Article 45 of this Convention, it may also, save in the cases covered by paragraph 2 of that Article, be performed by means of other road vehicles under the conditions set forth in Chapter IV;

(*b*) transport must be guaranteed by associations approved in accordance with the provisions of Article 5 and be performed under cover of a document known as the TIR carnet.

CHAPTER III

PROVISIONS CONCERNING TRANSPORT IN SEALED ROAD VEHICLES OR SEALED CONTAINERS

Article 4

Provided the conditions laid down in this Chapter and in Chapter V are fulfilled, goods carried in sealed road vehicles or in sealed containers carried on road vehicles—

(*a*) shall not be subjected to the payment or deposit of import or export duties and taxes at Customs offices *en route*; and

(*b*) shall not, as a general rule, be subjected to Customs examination at such offices.

However, in order to prevent abuse, the Customs authorities may, in exceptional cases and particularly when irregularity is suspected, carry out at such offices a summary or full examination of the goods.

Article 5

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 covers the responsibilities 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 6

1. The guaranteeing association shall undertake to pay the import or export duties and taxes due, any interest due thereon, any other charges, and any pecuniary penalties incurred by the holder of the TIR carnet and the persons participating in the performance of the transport under the Customs laws and regulations of the country in which an offence has been committed. It shall be liable, jointly and severally with the persons from whom the sums mentioned above are due, for payment of such sums.

2. The fact that Customs authorities authorize the examination of the goods elsewhere than at a place where the business of Customs offices of departure or destination is usually conducted shall not affect the liability of the guaranteeing association.

3. The liability of the guaranteeing association to the authorities of a given country shall run only from the time when the TIR carnet is accepted by the Customs authorities of that country.

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

5. For the purposes of determining the duties, taxes and, where applicable, pecuniary penalties mentioned in paragraph 1 of this Article, the particulars of the goods as entered in the TIR carnet shall be valid in the absence of proof to the contrary.

6. When the Customs authorities of a country have unconditionally discharged a TIR carnet they can no longer claim from the guaranteeing association payment of the amounts mentioned in paragraph 1 of this Article unless the certificate of discharge was obtained improperly or fraudulently.

7. Where a TIR carnet has not been discharged or has been discharged conditionally the competent authorities shall not have the right to claim from the guaranteeing association payment of the amounts mentioned in paragraph 1 of this Article unless, within one year of the date upon which the TIR carnet was taken on charge, they have notified the association of the non-discharge or conditional discharge. The same provision shall apply where the certificate of discharge was obtained improperly or fraudulently, save that the period shall be two years.

8. The claim for payment referred to in paragraph 1 of the present Article shall be made to the guaranteeing association within three years of the date when the association was informed that the carnet had not been discharged or had been discharged subject to a reservation or that the certificate of discharge had been obtained improperly or fraudulently. However, in cases which, during the above-mentioned period of three years, become the subject of legal proceedings, any claim for payment shall be made within one year of the date when the decision of the court becomes enforceable.

9. 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 amounts paid shall be reimbursed to the association if, within a period of twelve months from the date on which the claim for payment was made,