

**TIR EXECUTIVE BOARD (TIRExB)**  
**COMMISSION DE CONTROLE TIR (TIRExB)**  
**ИСПОЛНИТЕЛЬНЫЙ СОВЕТ МДП (ИСМДП)**



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**ADMINISTRATIVE COMMITTEE  
FOR THE TIR CONVENTION, 1975**

**TIR Executive Board (TIRExB)**

(Forty-first session, 14 and 15 October 2009,  
agenda item 8)

**USE OF THE TERM “PACKAGE”**

**Note by the secretariat**

In annex, the secretariat reproduces an exchange of letters between the Latvian national association (Latvijas Auto) and the UNECE TIR secretariat.



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# AUTOPĀRVADĀTĀJU ASOCIĀCIJA LATVIJAS AUTO

ECE TRANSPORT DIVISION N° 135	
Received on:	06 JUL 2009
Seen by:	
Passed to for Action:	H. Paklamanis
Discussion	<input type="checkbox"/>
Information	<input type="checkbox"/>

Andre / ~~Jose~~ PLS take a look and prepare reply

Ms. Eva Molnar  
Transport Division  
Director  
UN Economic Commission for Europe  
Palais des Nations  
CH-1211 Geneva 10.  
Switzerland

20/7/09  
*[Signature]*

29 June, 2009  
Riga  
Ref: LA/68

① Did it come with attachments?  
② PLS prepare a response!  
*[Signature]*

Dear Ms. Molnar,

The existing practice of performed control in case of international transport cargoes by road transport cause necessity to clarify the concept- *package*.

Taking into consideration that increase problems of hauliers during performed control activities on the border points we ask to explain the concept "package", which should be applied in documents of international cargo transport and customs transit, as well during performed control by state institutions.

Guidelines of records concerning package are prescribed by international agreements- Convention on the contract for the international carriage of goods by road (CMR Convention) and Customs Convention on the international transport of goods under cover of TIR carnets (TIR Convention). Still in text of mentioned agreements we can't find the concept- package. *TIR*

Explanations are necessary due to reason that on border of Russia during performed control customs service demand to divide the load consignment into separate goods- in other words to break up packages, which were undertaken by hauliers to transport and were pointed in transport (CMR) and customs (TIR carnet) documents.

For example, package (wrapping for transportation) as appearance of pallet thermo-insulated- to divide into separate packages.

In such cases by customs service is performed verification of conformity on records pointed in commercial documents. Commercial documents are passed to the haulier by consignor as amendment to the cargo for presentation to consignee- specifications, invoices, packing lists and etc.

The haulier is not pertain to the records, which are pointed in commercial documents, but in cases as stated above directly from hauliers are demanded explanations concerning discrepancy of records.



After against the haulier is instigated the case of violation customs regulations and haulier is called to account for administrative responsibility.

All mentioned activities on the border occurs without presence of consignor and consignee, who can present explanations of their commercial documents as well of admitted mistakes by them.

In that case, the haulier in fact is responsible for mistakes made by other persons- consignors and consignees, who proceed with such mistakes.

In total imperfections in documents increase the terms of delivery cargoes and expenses of transport.

The concept „packing” practically is used in documents transporting goods and in commerce and manufacture. However the object of using such meaning as “packing” is different.

Especially important to use this meaning “packing” is in transporting, because in some cases it is directly related to responsibility of transport operator.

To process industrial and commerce operations, meaning “packing” is used with the object to ensure the subject’s characteristic features.

To process transport operations meaning “packing” is used for convenience loading-unloading operations and to protect cargo from deformation and damage during the transport operation. Things for transporting are in large combination – packing as meaning “package”.

In order to secure execution of cargo transport without waste of time and rate, as well objective inspection of performed by hauliers cargo transport by road is necessary to have the exact and perfect concept of “package”, which should be applied directly for inspection of transportation cargo.

In amendment 82 pages.

Sincerely yours,

Pavels Groševs  
Secretary General



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ECONOMIC COMMISSION  
FOR EUROPE

Telephone: (+41 22) 917 2400 (direct)  
(+41 22) 917 2401 (secretary)  
Telefax: (+41 22) 917 0039  
Email: Eva.molnar@unece.org

Room : FN 426  
Palais des Nations  
CH-1211 GENEVE 10

Ref. No.: 09/TRAN/143

21 July 2009

Dear Mr. Groševs,

I thank you for your letter LA/68 dated 29 June 2009 and I am pleased to provide you with some clarifications on the points you brought forward.

It seems that your concerns regarding the terminology used in both CMR and TIR Conventions are founded as none of these international conventions provide a definition for the term "package". This will be brought up to the attention of the Working Party on Road transport (SC1), which is responsible for the CMR convention, as well as to the TIR Executive Board (TIRExB), which is the body managing and monitoring the application of the TIR Convention.

In the meantime allow me to provide you with my personal view on this issue. As you correctly pointed out, in the framework of the TIR Convention, references to packages have to be provided mainly for the sake of Customs controls. To that end, it is indispensable that Customs officers can easily locate the goods mentioned in the "goods manifest" if a physical control of the goods is required. The reference to the shipping marks or packages should serve to speed up this process and it is therefore in the interest of both the transport operator and Customs to provide the best information possible.

In case of discrepancy, regardless of who is originally responsible for it, the TIR Carnet holder, in most cases the transport operator, remains the first liable person according to the provisions of the TIR Convention. Indeed, the TIR Convention allows to amend the destination of goods in the course of a TIR transport, it is of utmost importance that the packages intended to a destination are adequately identified by the Customs office of departure or any other Customs office that controls the goods to prevent frauds. With that in mind, it is again in the interest of the TIR Carnet holder to ensure that the information provided in the TIR Carnet "goods manifest" (or attached loading list) matches the information provided in the CMR, even if this requires providing more disaggregated information and multiple packaging information.

Mr. Pavels Groševs  
Secretary General  
Latvijas Auto - Road Transport Association  
Vesetas 9,  
LV-1013 Riga  
Latvia

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This should hopefully help before both the SC1 and the TIRExB consider this specific issue in the framework of their respective conventions.

Do not hesitate to contact us again should you need further explanations.

Yours sincerely,



Eva Molnar  
Director  
Transport Division