



# Economic and Social Council

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## Economic Commission for Europe

### Administrative Committee for the TIR Convention, 1975

#### Sixty-second session

Geneva, 8 October 2015

Item 6 (e) of the provisional agenda

#### Revision of the Convention

Proposal to amend Article 1, paragraph (q), lines 1–2

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#### Note by the secretariat

## I. Mandate

1. The Working Party at its 140th session considered and provisionally accepted the proposal by the Russian Federation to amend Article 1, paragraph (q), lines 1–2, as contained in documents ECE/TRANS/WP.30/2015/1/Rev.1–ECE/TRANS/WP.30/AC.2/2015/7/Rev.1, ECE/TRANS/WP.30/2015/8 and ECE/TRANS/WP.30/2015/15. As such, the Working Party has transmitted the proposal to the Committee for final decision. For ease of reference, the secretariat has summarized the discussions and conclusions of the Working Party, together with the final wording of the amendment proposal in the present document.

## II. Background

2. The delegation of the Russian Federation has proposed the deletion of the phrase “Customs authorities”, from Article 1(q) of the Convention, thereby leaving the definition to read:

“The term ‘guaranteeing association’ shall mean an association authorized by ~~the Customs authorities of~~ a Contracting Party to act as guarantor for persons using the TIR procedure”

3. The Russian Federation clarified that, due to peculiarities relating to mandates and structure at the governmental level, it is possible that the authority, competent to authorize a guaranteeing association, may not always necessarily be the customs administration. Furthermore the delegation of the Russian Federation highlighted that the purpose of its proposal was to align the language with that of Article 6. Thus, the Russian Federation

proposed to broaden the scope of the provision to provide the flexibility deemed necessary, given the different administrative arrangements that exist in various Contracting Parties.

4. During the session of the Working Party, several delegations expressed their concerns that due to requirements of national or international legislation, it would be necessary to maintain the term “customs authorities” in the provision under discussion. At the same time, however, they acknowledged the necessity to sufficiently broaden the provision in order to accommodate legal requirements of other Contracting Parties. As such, the Working Party decided to transmit to the Administrative Committee for final decision, the amendment proposal subject to a modified wording, as contained in Annex.

### **III. Considerations by the Committee**

5. The Committee is invited to consider and, possibly, provisionally accept this amendment proposal, and to instruct the secretariat to include it in the broader package of proposals submitted by the Russian Federation pending formal adoption at one of its future sessions.

## **Annex**

### **Legal amendments to the text of the Convention**

#### **Article 1, paragraph (q)**

*Modify paragraph (q) to read:*

(q) “The term “guaranteeing association” shall mean an association authorized by the customs authorities or other competent authorities of a Contracting Party, to act as guarantor for persons using the TIR procedure”.

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