

PROPOSALS FOR AMENDMENTS TO THE CONVENTION
Adopted by the TIR Administrative Committee on 3 February 2011
Date of entry into force: 1 January 2012

Annex 6, Explanatory Note 9.I.1(a):

Delete Explanatory Note

Annex 9, Part I, title:

At the end of the title insert 'AND TO ACT AS GUARANTOR'

Annex 9, Part I, subtitle:

At the beginning of the subtitle delete 'Minimum'

Annex 9, Part I, paragraph 1, first line:

After 'The' delete 'minimum'

Annex 9, Part I, paragraph 1(a):

For 'established association representing the interests of the transport sector' read 'association established in the Contracting Party where the authorisation is issued'

Annex 9, Part I, paragraph 1(b):

For 'it' read 'the association'

Annex 9, Part I, paragraph 1(c):

Delete paragraph

Annex 9, Part I, paragraph 1(d) and (e):

Re-number paragraph 1(d) and (e) to become paragraph 1(c) and (d)

Annex 9, Part I, new paragraph 1(d):

For the existing text read:

'(d) Establishment of a written agreement or any other legal instrument between the association and the competent authorities of the Contracting Party in which it is established including the acceptance by the association of its duties as set out in paragraph 3 of this Article.'

Annex 9, Part I, new paragraph 1(d):

After new paragraph 1(d) insert a new paragraph 2 to read:

'2. A certified copy of the written agreement or any other legal instrument referred to under paragraph 1(d) together, if necessary, with a certified translation into English, French or Russian shall be deposited with the TIR Executive Board. Any changes shall be immediately brought to the attention of the TIR Executive Board.'

Annex 9, Part I, paragraph 1(f):

Replace the existing text of paragraph 1(f) by new paragraphs 3 and 4 to read:

‘3. The duties of the association are to:

- (i) comply with the obligations laid down in Article 8 of the Convention;
- (ii) accept the maximum sum per TIR Carnet determined by the Contracting Parties which may be claimed from the association in accordance with Article 8, paragraph 3 of the Convention;
- (iii) verify continuously and, in particular, before requesting authorisation for access of persons to the TIR procedure, the fulfilment of the minimum conditions and requirements as laid down in Part II of this Annex;
- (iv) provide its guarantees for all liabilities incurred in the country in which it is established in connection with operations under cover of TIR Carnets issued by itself and by foreign associations affiliated to the same international organisation as that to which it is itself affiliated;
- (v) cover its liabilities to the satisfaction of the competent authorities of the Contracting Party in which it is established with an insurance company, pool of insurers or financial institution. The insurance or financial guarantee contract(s) shall cover the totality of its liabilities in connection with operations under cover of TIR Carnets issued by itself and by foreign associations affiliated to the same international organisation as that to which it is itself affiliated;

The time to give notice for the termination of the insurance or financial guarantee contract(s) shall be not less than the time to give notice for the termination of the written agreement or any other legal instrument as referred to in paragraph 1(d). A certified copy of the insurance or financial contract(s) as well as all subsequent modifications thereto shall be deposited with the TIR Executive Board, including a certified translation, if necessary, into English, French or Russian;

- (vi) provide the TIR Executive Board, annually, as per 1 March, with the price of each type of TIR Carnets it issues;
- (vii) allow the competent authorities to verify all records and accounts kept relating to the administration of the TIR procedure;
- (viii) accept a procedure for settling efficiently disputes arising from the improper or fraudulent use of TIR Carnets, whenever possible without recourse to courts;
- (ix) comply strictly with the decisions of the competent authorities of the Contracting Party in which it is established concerning the revocation or withdrawal of the authorisation in line with Article 6 of the Convention and Part II of this Annex or the exclusion of persons in line with Article 38 of the Convention;
- (x) agree to implement faithfully all decisions adopted by the Administrative Committee and the TIR Executive Board in as much as the competent authorities of the Contracting Party in which the association is established have accepted them.

4. When 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, it shall, in accordance with the written agreement referred to in Explanatory Note 0.6.2bis-1 to Article 6, paragraph 2 bis, inform the international organisation of the reception of the claim.'

Annex 9, Part I, paragraphs 2, 3 and 4:

Renumber the existing paragraphs 2, 3 and 4 to become paragraphs 5, 6 and 7

Annex 9, Part I, new paragraph 5:

For the existing text read:

'5. The Contracting Party in which the association is established shall revoke the authorisation to issue TIR Carnets and to act as guarantor in case of non-compliance with these conditions and requirements. Should a Contracting Party decide to revoke the authorisation, the decision shall become effective at the earliest three (3) months after the date of revocation.'

Annex 9, Part I, new paragraph 6:

For 'Authorization' read 'The authorisation'

Annex 9, Part I, new paragraph 7:

After 'The' delete 'minimum'