

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 392 final.

Brussels, 23 July 1976.

PROPOSAL

for a Council Regulation on the
conclusion of the Customs Convention
on the International Transit of Goods
under cover of TIR Carnets (TIR Convention)
of 14 November 1975

and a

Regulation of the Council on the
implementation of the provisions of the
technical annexes and the use of the
specimen TIR carnet of the Customs Convention
on the International Transport of Goods under
cover of TIR carnets (TIR Convention)
of 14 November 1975

(submitted to the Council by the Commission)

COM(76) 392 final.



Proposal
for a Council Regulation on the
conclusion of the Customs Convention
on the International Transit of Goods
under cover of TIR Carnets (T.I.R. Convention)

EXPLANATORY NOTE

I. Introduction

The Conference on the Revision of the T.I.R. Convention was held in Geneva from 3-14 November under the auspices of the Economic Commission for Europe.

By a Decision of 4 June 1974 the Council recognized the importance of this Convention for the Community and authorised the Commission to conduct the revision negotiations on behalf of the Community.

II. Results of the Revising Conference

A memorandum on the work done and the results of the negotiations has been circulated by the Secretary-General of the Council (document S/1723/75(CID 59) (RELEX 50) of 5 December 1975.

The Community won its case in respect of the special Community interest i.o. the insertion in the Final Provisions of a Clause which would allow Customs and economic unions to become Contracting Parties to the revised Convention.

Otherwise the main changes in the revised TIR Convention are the introduction into the procedure for the international transport of goods under cover of TIR carnets of new facilities which are acceptable to both the Community and the Member States.

CONCLUSION

The Commission thus proposes that the Council should, on the basis of Article 113, conclude the Customs Convention on the International Transport of Goods under cover of TIR Carnets (TIR Convention) of 14 November 1975.

Proposal
for a Council Regulation on the
conclusion of the Customs Convention
on the International Transit of Goods
under cover of TIR Carnets (TIR Convention)
of 14 November 1975

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community and in particular Article 113 thereof.

Having regard to the proposal from the Commission

Whereas the conclusion of the Customs Convention on the International Transport of Goods under cover of TIR Carnets (Convention TIR) of 14 November 1975, introduces new provisions into the procedure for the international transport of goods by road vehicles; whereas the nature of the provisions is such as to contribute to the harmonious development of world trade in accordance with the objective of the European Economic Community.

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Whereas it is thus appropriate that the revised TIR Convention should be concluded in the name of the Community

HAS ADOPTED THIS REGULATION

Article 1

The Customs Convention on the International Transport of Goods under cover of TIR Carnets (TIR Convention) of 14 November, 1975 shall be concluded in the name of the Community.

Article 2

The President of the Council is authorized to nominate the persons entitled to sign the Convention referred to in Article 1 and to empower them as necessary to bind the Community.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

For the Council

Done at Brussels.....76

The President

(1) The date of entry into force of the TIR Convention 1975 will be published in the Official Journal of the European Communities

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Draft
Regulation of the Council on the
implementation of the provisions of
the technical annexes and the use of
the specimen TIR carnet of the Customs
Convention on the International Transport
of Goods under cover of TIR carnets
(TIR Convention)

EXPLANATORY NOTE

The revising Conference of the Customs Convention on the International transport of goods under cover of TIR carnets adopted, at the end of the session held in Geneva from 3 to 14 November 1975 a Resolution recommending the implementation as from 1 January 1977 of the provisions of Annexes 1, 2, 3, 4, 5 and 7 of the TIR Convention and of the Explanatory Notes in Annex 6 relative to those Annexes and, specially, in addition, to accept the specimen of the TIR Carnet in the revised Convention, this revised specimen TIR carnet having the same legal force and effect as the TIR carnet in the 1959 Convention.

Annex 1 sets out the specimen of the TIR Carnet, Annex 2 the Regulations on technical conditions applicable to road vehicles which may be accepted for international transport under customs seal, Annex 3 of the Procedure for the approval of road vehicles which comply with the technical conditions set out in the Regulation of Annex 2, Annex 4 gives a specimen of the Certificate of Approval of a road vehicle, Annex 5 specification of T.I.R. plates and Annex 6 relates to the approval of containers.

There are several reasons which argue in favour of a Community instrument to ensure the implementation of this Resolution in the customs territory thereof as from 1 January 1977.

In the first place since the Community negotiated strongly for the right to become a Contracting Party to the TIR Convention, the other Parties to the Convention would find it difficult to understand the absence of any Community action to ensure the implementation, as anticipated, of the Part of the Convention.

Secondly, the new rules consequent on an amendment of the rules in force in all Member States in an area which if not wholly then partially stems from Community responsibility as the Convention itself should be the subject of a Regulation of the Council with a view to incorporation into Community law. Thus the entry into force of the changes agreed for TIR should be ensured on a Community basis without Member States being obliged to adopt national legal or regulatory measures.

CONCLUSION

Thus the Commission proposes that the Council should, on the basis of Article 113, adopt a Regulation of the Council on the implementation of the provisions of the technical annexes and the use of the specimen TIR carnet of the Customs Convention on the International Transport of Goods under cover of TIR carnets (TIR Convention) of 14 November 1975

Proposal for a

Regulation of the Council on the implementation of the provisions of the technical annexes and the use of the specimen TIR carnet of the Customs Convention on the International Transport of Goods under cover of TIR carnets (TIR Convention) of 14 November 1975

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof.

Having regard to the proposal from the Commission

Whereas it is in the interest of international trade that the simplification and facilitation measures provided under the revised TIR Convention 1975 (Geneva 1975) should enter into force as soon as possible; whereas this is particularly so in respect of the technical annexes and the specimen TIR Carnet of this Convention

HAS ADOPTED THIS REGULATION :

Article 1

1. As from 1 January 1977 Annexes 1, 2, 3, 4, 5 and 7 of the T.I.R. Convention 1975 shall apply in the European Economic Community. The provisions of the Explanatory Notes in Annex 6 of the said Convention relative to those Annexes shall also apply as from the same date.
2. Likewise as from 1 January 1977 the new specimen TIR Carnet in Annex I of the revised TIR Convention shall have the same legal force and effect in the European Economic Community as the TIR Carnet of the 1959 Convention.

Article 2

Road vehicles and containers approved under the conditions of the TIR Convention [1959] shall be accepted during the period of validity of certificates of approval and, subject to renewal, for the international transport of goods under customs seal, provided such vehicles and containers continue to comply with the conditions under which they were originally approved.

Article 3

The Commission shall inform the Executive Secretary of the Economic Commission for Europe of the provisions adopted in Articles 1 and 2 above.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels

For the Council

The President

