



Brussels, 20.10.2015
COM(2015) 512 final

2015/0241 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be adopted on behalf of the European Union within the Administrative Committee for the TIR Convention as regards the proposal to amend the Customs Convention on the international transport of goods under cover of TIR carnets

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

The Customs Convention on the International Transport of goods under cover of TIR carnets (TIR Convention) of 14 November 1975 was approved on behalf of the European Union by way of Council Regulation (EEC) No 2112/78. The Convention entered into force in the European Union on 20 June 1983.

The purpose of the proposed Decision is for the European Union to adopt the latest amendments to the TIR Convention agreed by the United Nations Economic Commission for Europe (UNECE) Working Party on Customs Questions Affecting Transport and further accepted by the Administrative Committee for the TIR Convention.

- **Consistency with existing policy provisions in the policy area**

There are no existing provisions in the area of the proposal.

- **Consistency with other Union policies**

The proposed Decision is consistent with the common policy in trade and transport. The TIR system, providing facilitation in road transport, allows goods to travel across 68 Contracting Parties with a minimum of interference by customs administrations and provides, through an international guarantee chain, relatively simple access to the required guarantees. The simplifications achieved through the TIR Convention are in line with the revised Lisbon strategy.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

Articles 207 and 218 (9) of the Treaty on the Functioning of the European Union.

- **Proportionality**

The proposal is in conformity with the principle of proportionality. It allows the implementation of an amendment to the international agreement which as such respects the principle of proportionality.

- **Choice of the instrument**

Proposed instrument: Decision.

International agreements and amendments to these arrangements are normally introduced into the European Union's legal order by way of a Decision.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Stakeholder consultations**

Consultations with approval on the proposals were carried out with the Member States within the Customs Legislation Committee (Co-ordination Geneva) meetings. Consultations took

place during sessions of the UNECE Working Party on Customs Questions Affecting Transport and the Administrative Committee for the TIR Convention.

- **Collection and use of expertise**

The proposal for a new Explanatory note to Article 42bis of the TIR Convention was prepared by the TIR Executive Board (TIRExB) during its discussions on the need for clarification of the meaning of Article 42bis on the obligation to communicate national control measures that may affect the functioning of the TIR system to TIRExB.

The proposal for an amendment of Annexes 2 and 7 to the TIR Convention was prepared by the TIR Secretariat, in close collaboration with the International Association of the Body and Trailer Building Industry (CLCCR) as well as the government of Germany.

- **Impact assessment**

The proposal for an amendment of Annex 6 of the TIR Convention by adding a new Explanatory note to Article 42bis will clarify the obligation of a Contracting Party to communicate national control measures that may affect the functioning of the TIR system. It does not change the substance of the TIR Convention as according to Article 43 of the TIR Convention the explanatory notes interpret certain provisions of the TIR Convention and its Annexes and describe certain recommended practices.

The proposal for an amendment of Annexes 2 and 7 to the TIR Convention will introduce a new design of vehicles and containers (with sheeted sliding roofs or sliding sheets) to the TIR Convention while offering maximum safeguards to customs administrations as it is necessary that goods under cover of TIR carnets travel in customs secure vehicles or containers. This new transport technique will improve the effectiveness and efficiency of road transport.

4. BUDGETARY IMPLICATIONS

The proposal has no implication for the European Union budget.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207 in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Customs Convention on the International Transport of goods under cover of TIR carnets ('TIR Convention') of 14 November 1975 was approved on behalf of the European Economic Community by Council Regulation (EEC) No 2112/78¹ and entered into force in the Community on 20 June 1983².
- (2) A consolidated version of the TIR Convention was published as an Annex to Council Decision 2009/477/EC³, according to which the Commission is to publish future amendments to the TIR Convention in the *Official Journal of the European Union* indicating their date of entry into force.
- (3) Following the discussion of the TIR Executive Board on the correct application of Article 42 bis of the TIR Convention, the TIR Executive Board transmitted to the Administrative Committee for the TIR Convention a proposal for a new Explanatory Note to Article 42 bis that would clarify the procedure of communication between the TIR Executive Board and the Contracting Parties on national control measures that may affect the application of the TIR Convention or the functioning of the TIR system. The guidelines for communicating and introducing new control measures were adopted at the 61st session of the Administrative Committee for the TIR Convention and will be included in Chapter 5 of the TIR Handbook.
- (4) The Working Party on Customs Questions affecting Transport of the United Nations Economic Commission for Europe proposed to the Administrative Committee for the TIR Convention an amendment introducing a new transport technique for vehicles and containers which will improve the effectiveness and efficiency of road transport. According to the Administrative Committee, the new design of vehicles and containers with a sheeted sliding roof or sliding sheets is customs secure and can be incorporated into Annexes 2 and 7 to the TIR Convention.

¹ Council Regulation (EEC) No 2112/78 of 25 July 1978 concerning the conclusion of the Customs Convention on the international transport of goods under cover of TIR carnets (TIR Convention) of 14 November 1975 at Geneva (OJ L 252, 14.9.1978, p. 1).

² OJ L 31, 2.2.1983, p. 13.

³ Council Decision 2009/477/EC of 28 May 2009 publishing in consolidated form the text of the Customs Convention on the international transport of goods under cover of TIR carnets (TIR Convention) of 14 November 1975 as amended since that date (OJ L 165, 26.6.2009, p. 1).

- (5) All Member States of the Union expressed their positive opinion as regards the proposed amendments within the Customs Legislation Committee (Co-ordination Geneva).
- (6) The next session of the Administrative Committee for the TIR Convention, during which the proposed amendments are to be presented for adoption, is scheduled for October 2015.
- (7) The position to be adopted on behalf of the Union within the Administrative Committee for the TIR Convention should therefore be based on the draft amendments attached to this Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on behalf of the European Union within the Administrative Committee for the TIR Convention shall be based on the draft amendments attached to this Decision.

Minor changes to the draft amendments may be agreed to by the representatives of the Union in the Administrative Committee for the TIR Convention without further decision of the Council.

Article 2

After their adoption, the amendments shall be published in the *Official Journal of the European Union* indicating their date of entry into force.

Article 3

This Decision shall enter into force on the day of its adoption.

Done at Brussels,

*For the Council
The President*