

PREDLOG

ZAKON

O POTVRĐIVANJU DOPUNE 23, DOPUNA 24, IZMJENE I DOPUNA 25, IZMJENE 26, IZMJENE I DOPUNE 27, IZMJENE I DOPUNE 28, DOPUNA 28 BIS, IZMJENE I DOPUNE 29, IZMJENE I DOPUNE 30, IZMJENA I DOPUNA 31, IZMJENE I DOPUNE 32, IZMJENE I DOPUNE 33, IZMJENE I DOPUNE 34, IZMJENE I DOPUNA 35, IZMJENE I DOPUNE 36, DOPUNA 37, IZMJENE I DOPUNA 38 I IZMJENE I DOPUNE 39 CARINSKE KONVENCIJE O MEĐUNARODNOM PREVOZU ROBE NA OSNOVU ISPRAVA ZA MDP (KARNETA TIR) (KONVENCIJA TIR, 1975)

Član 1

Potvrđuju se izmjene i dopune Carinske konvencije o međunarodnom prevozu robe na osnovu isprava za MDP (karneta TIR) (konvencija TIR, 1975), i to:

- Dopune 23, usvojene 25. oktobra 2002. godine i 7. februara 2003. godine;
- Dopuna 24, usvojena 26. oktobra 2001. godine;
- Izmjene i dopuna 25, usvojene 26. septembra 2003. godine i 15. oktobra 2004. godine;
- Izmjene 26, usvojene 3. februara 2005. godine;
- Izmjene i dopune 27, usvojene 4. februara 2005. godine i 7. oktobra 2005. godine;
- Izmjene i dopune 28, usvojene 31. januara 2008. godine;
- Dopuna 28 BIS, usvojena 9. oktobra 2008. godine;
- Izmjene i dopune 29, usvojene 3. februara 2011. godine;
- Izmjene i dopune 30, usvojene 3. februara 2011. godine;
- Izmjena i dopuna 31, usvojene 9. februara 2012. godine;
- Izmjene i dopune 32, usvojene 6. februara 2014. godine i 12. juna 2014. godine;
- Izmjene i dopune 33 usvojene 10-11. februara 2016. godine;
- Izmjene i dopune 34, usvojene 12. oktobra 2017. godine;
- Izmjene i dopuna 35, usvojene 12. oktobra 2017. godine;
- Izmjene i dopune 36, usvojene 18. februara 2020. godine;
- Dopuna 37, usvojena 14-15. oktobra 2020. godine;
- Izmjene i dopuna 38, usvojene 14-15. oktobra 2020. godine;
- Izmjene i dopune 39, usvojene 9-11. februara 2021. godine u originalu na engleskom, francuskom i ruskom jeziku.

Član 2

Tekst dopune 23, dopune 24, izmjene i dopuna 25, izmjene 26, izmjene i dopune 27, izmjene i dopune 28, dopune 28 BIS, izmjene i dopune 29, izmjene i dopune 30, izmjena i dopuna 31, izmjene i dopune 32, izmjene i dopune 33, izmjene i dopune 34, izmjene i dopuna 35, izmjene i dopune 36, dopune 37, izmjena i dopune 38 i izmjene i dopune 39 Carinske konvencije o međunarodnom prevozu robe na osnovu isprava za MDP (karneta TIR), u originalu na engleskom jeziku i u prevodu na crnogorski jezik, glasi:

Amendment 23

(Amendments which were adopted pursuant to Article 60 of the Convention and which entered into force on 7 November 2003)

AMENDMENT PROPOSAL TO THE TIR CONVENTION, 1975
adopted by the
Administrative Committee for the TIR Convention, 1975
on 25 October 2002

Annex 6, Explanatory Note 0.38.1 to Article 38, paragraph 1:
Delete Explanatory Note 0.38.1.

AMENDMENT PROPOSAL TO THE TIR CONVENTION, 1975
adopted by the
Administrative Committee for the TIR Convention, 1975
on 7 February 2003

Annex 6, Explanatory Note 2.2.1 (b) to Article 2, paragraph 1 (b) of Annex 2:
Add a new subparagraph (f) to 2.2.1 (b):

“(f) In cases where more than one Customs seal are required for Customs secure sealing, the number of such seals shall be indicated in the Certificate of Approval under point 5 (Annex 4 to the TIR Convention, 1975). A sketch or photographs of the road vehicle shall be attached to the Certificate of Approval showing the exact location of the Customs seals.”

Amendment 24

(Amendments which were adopted pursuant to Article 59 of the Convention and which entered into force on 19 September 2004)

AMENDMENT PROPOSAL TO THE TIR CONVENTION, 1975

adopted by
the Administrative Committee for the TIR Convention, 1975
on 26 October 2001

Article 26, paragraph 1:

Add a new sentence at the end of the paragraph to read as follows:

“Where the Customs seals have not remained intact, the Customs authorities may accept the TIR Carnet for resumption of the TIR transport under the provisions of Article 25.”

Amendment 25

(Amendments which were adopted pursuant to Article 59
of the Convention and which entered into force on 1 October 2005)

AMENDMENT PROPOSAL TO THE TIR CONVENTION, 1975
adopted by the Administrative Committee for the TIR Convention, 1975

on 26 September 2003

Annex 6, new Explanatory Note 0.1 (b)

Add a new Explanatory Note to Article 1 (b) of the TIR Convention to read as follows:

"0.1 (b) Article 1 (b) implies that, where several Customs offices of departure or destination are located in one or several countries, there may be more than one TIR operation in a Contracting Party. Under these circumstances the national leg of a TIR transport carried out between two successive Customs offices, regardless of whether they are offices of departure, destination or en route, can be considered as a TIR operation."

AMENDMENT PROPOSAL TO THE TIR CONVENTION, 1975

adopted by the

Administrative Committee for the TIR Convention, 1975

on 15 October 2004

Annex 2, Article 3, paragraphs 9 and 10

Replace the first two paragraphs of Annex 2, Article 3, paragraph 9 by the following text:

"9 The following fastenings shall be used;

- (a) steel wire ropes of at least 3 mm diameter; or
- (b) ropes of hemp or sisal of at least 8 mm diameter encased in a transparent sheath of unstretchable plastic; or
- (c) ropes consisting of batches of fibre-optic lines inside a spirally wound steel housing encased in a transparent sheath of unstretchable plastic; or
- (d) ropes comprising a textile cord surrounded by at least four strands consisting solely of steel wire and completely covering the core, under the condition that the ropes (without taking into account the transparent sheath, if any) are not less than 3 mm in

diameter.

Ropes in accordance with paragraph 9 (a) or (d) of this Article may have a transparent sheath of unstretchable plastic.”

Replace Annex 2, Article 3, paragraph 10 by the following text:

“10 Each type of rope shall be in one piece and shall have a hard metal end-piece at each end. Each metal end-piece shall allow the introduction of the thread or strap of the Customs seal. The fastener of each metal end-piece of ropes in accordance with the provisions of paragraph 9 (a), (b) and (d) of this Article shall include a hollow rivet passing through the rope so as to allow the introduction of the thread or strap of the Customs seal. The rope shall remain visible on either side of the hollow rivet so that it is possible to ensure that the rope is in one piece (see sketch No. 5 appended to these Regulations).”

Annex 6, Explanatory Note 2.3.9

Delete Explanatory Note to Annex 2, Article 3, paragraph 9 (Textile cored steel fastening ropes)

Annex 7, Part I, Article 4, paragraphs 9 and 10

Replace the first two paragraphs of Annex 7, Part I, Article 4, paragraph 9 by the following text:

“9 The following fastenings shall be used;

- (a) steel wire ropes of at least 3 mm diameter; or
- (b) ropes of hemp or sisal of at least 8 mm diameter encased in a transparent sheath of unstretchable plastic; or
- (c) ropes consisting of batches of fibre-optic lines inside a spirally wound steel housing encased in a transparent sheath of unstretchable plastic; or
- (d) ropes comprising a textile cord surrounded by at least four strands consisting solely of steel wire and completely covering the core, under the condition that the ropes (without taking into account the transparent sheath, if any) are not less than 3 mm in diameter.

Ropes in accordance with paragraph 9 (a) or (d) of this Article may have a transparent sheath of unstretchable plastic.”

Replace Annex 7, Part I, Article 4, paragraph 10 by the following text:

“10 Each type of rope shall be in one piece and shall have a hard metal end-piece at each end. Each metal end-piece shall allow the introduction of the thread or strap of the Customs seal. The fastener of each metal end-piece of ropes in accordance with the provisions of paragraph 9 (a), (b) and (d) of this Article shall include a hollow rivet passing through the rope so as to allow the introduction of the thread or strap of the Customs seal. The rope shall remain visible on either side of the hollow rivet so that it is possible to ensure that the rope is in one piece (see sketch No. 5 appended to these Regulations).”

Amendment 26

(Amendments which were adopted pursuant to Article 59 of the Convention and which entered into force on 1 April 2006)

AMENDMENT PROPOSAL TO THE TIR CONVENTION, 1975

adopted by the

Administrative Committee for the TIR Convention

on 3 February 2005

Annex 1 of the Convention

Model of the TIR Carnet: VERSION 1 and VERSION 2

Amend

- Page 1 of cover, box 3 "(nom, adresse, pays/*name, address, country*)" to read as follows: "(numéro d'identification, nom, adresse, pays/*identification number, name, address, country*)"
- Voucher No. 1 and voucher No. 2, box 4 "(name, address and country)" to read as follows: "(identification number, name, address and country)"
- Certified report, box 5 "Holder of the carnet" to read as follows: "Holder of the carnet (identification number, name, address and country)"

Annex 9 of the Convention, Part II

Amend the Model Authorization Form (MAF), second paragraph, first indent below the table to read as follows:

- "- Individual and unique identification (ID) number assigned to the person by the guaranteeing association (in cooperation with the international organization to which it is affiliated) in accordance with a harmonized format. The format of an ID- number shall be determined by the Administrative Committee."

Amendment 27

(Amendments which were adopted pursuant to Article 59 of the Convention and which entered into force on 12 August 2006)

AMENDMENT PROPOSAL TO THE TIR CONVENTION, 1975 adopted by the Administrative Committee for the TIR Convention on 4 February 2005

New Article 42ter

Add a new Article 42ter to read as follows:

“Article 42ter

The competent authorities of the Contracting Parties shall, as appropriate, provide authorized associations with information that they require to fulfil the undertaking given in accordance with Annex 9, Part I, Article 1 (f) (iii).

Annex 10 sets out the information to be provided in particular cases.”

Article 60

Amend the heading of Article 60 as well as paragraph 1, to read as follows:

“Article 60

Special procedure for amending Annexes 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10

1. Any proposed amendment to Annexes 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 considered in accordance with paragraphs 1 and 2 of Article 59 shall come into force on a date to be determined by the Administrative Committee at the time of its adoption, unless by a prior date determined by the Administrative Committee at the same time, one- fifth or five of the States which are Contracting Parties, whichever number is less, notify the Secretary-General of the United Nations of their objection to the amendment. Determination by the Administrative Committee of dates referred to in this paragraph shall be by a two-thirds majority of those present and voting.”

New Annex 10

Add a new Annex 10 to the Convention to read as follows::

“Annex 10

INFORMATION TO BE PROVIDED BY CONTRACTING PARTIES TO AUTHORIZED ASSOCIATIONS (UNDER ARTICLE 42TER) AND AN INTERNATIONAL ORGANIZATION (UNDER ARTICLE 6.2BIS)

By virtue of Article 6, paragraph 1 and Annex 9, Part I, paragraph 1 (f) (iii) of this Convention, authorized associations are required to give an undertaking that they shall verify continuously that persons authorized to have access to the TIR procedure fulfil the minimum conditions and requirements as laid down in Annex 9, Part II of the Convention.

On behalf of its member associations and in fulfilment of its responsibilities as an international organization authorized under Article 6, paragraph 2bis, an international organization shall establish a control system for TIR Carnets to hold data, transmitted by Customs authorities and accessible by the associations and Customs administrations, about the termination of TIR operations at offices of destination. To enable the associations to fulfil their undertaking effectively, Contracting Parties shall provide information to the control system in accordance with the following procedure:

- (1) Customs authorities shall transmit to an international organization or to the national guaranteeing associations, if possible via central or regional offices, by the fastest available means of communication (fax, electronic mail, etc.) and if possible on a daily basis, at least the following information in a standard format in respect of all TIR Carnets presented at Customs offices of destination, as defined in Article 1 (I) of the Convention:
 - (a) TIR Carnet reference number;
 - (b) Date and record number in the Customs ledger;
 - (c) Name or number of Customs office of destination;
 - (d) Date and reference number indicated in the certificate of termination of the TIR operation (boxes 24-28 of voucher No. 2) at the Customs office of destination (if different from (b));
 - (e) Partial or final termination;
 - (f) Termination of the TIR operation certified with or without reservation at the Customs office of destination without prejudice to Articles 8 and 11 of the Convention;
 - (g) Other information or documents (optional);
 - (h) Page number.
- (2) The Model Reconciliation Form (MRF) contained in the Appendix may be addressed to Customs authorities by national associations or by an international organization:
 - (a) in case of discrepancies between the data transmitted and those on the counterfoils in the used TIR Carnet; or
 - (b) in case no data have been transmitted whereas the used TIR Carnet has been returned to the national association.
- (3) Customs authorities and national guaranteeing associations shall conclude an agreement, in line with national law, covering the above data exchange.
- (4) An international organization shall give Customs authorities access to the database of terminated TIR Carnets and to the database of invalidated TIR Carnets.

Appendix

Model Reconciliation Form (MRF)							
<i>To be filled-in by the initiator of the request for reconciliation</i>							
Destination:							
Regional Customs office (optional): Name: Customs office of destination: Name:							
Received on: Received on:							
Date: Stamp Date: Stamp							
Data to be confirmed Data source: ☐ TIR Carnet ☐ Control system data							
TIR Carnet Reference Number	Name or number of Customs office of destination*	Reference number indicated in the certificate of termination of the TIR operation (boxes 24-28 of voucher No. 2) at the Customs office of destination*	Date indicated in the certificate of termination of the TIR operation at the Customs office of destination*	Page number	Partial / final termination	Termination of the TIR operation certified with or without reservation at the Customs office of destination	Number of packages (optional)
Attachments: ☐ Copy of TIR Carnet counterfoils Other: _____							
Response from Customs office of destination							
☐ Confirmation ☐ Correction (please insert the corrections below) ☐ No reference found on the termination of the TIR operation							
TIR Carnet Reference Number	Name or number of Customs office of destination*	Reference number indicated in the certificate of termination of the TIR operation (boxes 24-28 of voucher No. 2) at the Customs office of destination*	Date indicated in the certificate of termination of the TIR operation at the Customs office of destination*	Page number	Partial / final termination	Termination of the TIR operation certified with or without reservation at the Customs office of destination	Number of packages (optional)
Comments:							
Date: Stamp and signature of Customs office of destination:							
<i>Central Customs office (optional)</i>							
Comments:							
Date: Stamp and/or signature							

*Please note that these data refer to the Customs office of Destination where the TIR movement terminated."

AMENDMENT PROPOSAL TO THE TIR CONVENTION, 1975
adopted by the
Administrative Committee for the TIR Convention
on 7 October 2005

Annex 6, Explanatory Note 0.6.2 bis

Renumber existing Explanatory Note 0.6.2 bis of the TIR Convention, to become 0.6.2 bis-1.

Add a new Explanatory Note 0.6.2 bis-2 to Article 6.2bis of the TIR Convention, to read as follows:

"0.6.2 bis-2 The authorization granted in accordance with Article 6.2bis shall be reflected in a written Agreement between the UNECE and the International Organization. The Agreement shall stipulate that the International Organization shall fulfil the relevant provisions of the Convention, shall respect the competences of the Contracting Parties to the Convention and shall comply with the decisions of the Administrative Committee and the requests of the TIR Executive Board. By signing the Agreement, the International Organization confirms that it accepts the responsibilities imposed by the authorization. The Agreement shall also apply to the responsibilities of the International Organization set out in Annex 8, Article 10 (b), in case the centralized printing and distribution of TIR Carnets is performed by the above-mentioned international organization. The Agreement shall be adopted by the Administrative Committee."

Annex 6, Explanatory Note 8.10 (b)

Add a new Explanatory Note 8.10 (b) to Annex 8, Article 10 (b) of the TIR Convention, to read as follows:

"8.10 (b) The Agreement mentioned in the Explanatory Note to Article 6.2bis shall also apply to the responsibilities of the International Organization set out in (b) of this article, in case the centralized printing and distribution of TIR Carnets is performed by the above-mentioned international organization."

Amendment 28

(Amendments which were adopted pursuant to Article 59 of the Convention and which entered into force on 1 January 2009)

AMENDMENT PROPOSAL TO THE TIR CONVENTION, 1975

adopted by the

Administrative Committee for the TIR Convention

on 31 January 2008

Annex 8, Article 13, paragraph 1

Replace the existing text by

1. The operation of the TIR Executive Board and the TIR secretariat shall be financed, until such time as alternative sources of funding are obtained, through an amount per TIR Carnet distributed by the international organization as referred to in Article 6. This amount shall be approved by the Administrative Committee.

Annex 8, Article 13, paragraph 2

Replace the existing text by

2. The procedure to implement the financing of the operation of the TIR Executive Board and the TIR secretariat shall be approved by the Administrative Committee.

Annex 6, Explanatory Note 8.13.1

Add a new Explanatory Note to read:

8.13.1-3 Amount

The amount referred to in paragraph 1 shall be based on (a) the budget and cost plan of the TIR Executive Board and TIR secretariat as approved by the Administrative Committee and (b) the forecast of the number of TIR Carnets to be distributed as established by the international organization.

Annex 6, new Explanatory Note 8.13.2

Add a new Explanatory Note to read

8.13.2 Following consultations with the international organization as referred to in Article 6, the procedure referred to in paragraph 2 shall be reflected in the Agreement between UNECE, as mandated by and acting on behalf of the Contracting Parties, and the international organization as referred to in Article 6. The agreement shall be approved by the Administrative Committee.

Amendment 28 BIS

(Amendments which were adopted pursuant to Article 59 of the Convention and which entered into force on 1 October 2009)

Amendment proposal to the TIR convention, 1975
adopted by the
Administrative Committee for the TIR Convention
on 9 October 2008

In Annex 6, the following Explanatory Note is inserted:

'0.3. Article 3

0.3(a)(iii) The provisions of Article 3(a)(iii) do not cover passenger cars (HS code 8703) travelling by their own means. However, passenger cars may be carried under the TIR procedure if transported by means of other vehicles as referred to in subparagraph (a)(i) and (a)(ii) of Article 3.

Amendment 29

(Amendments which were adopted pursuant to Article 60 of the Convention and which entered into force on 1 January 2012)

Amendment proposal to the TIR convention, 1975
adopted by the
Administrative Committee for the TIR Convention
on 3 February 2011

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 authorization 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, paragraphs 1 (d) and (e):
Renumber 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“.

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 authorization 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 organization 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 organization 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 authorization 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 organization 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 authorization 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 authorization, 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 authorization“

Annex 9, Part I, new paragraph 7:

After „The“ delete „minimum“

Amendment 30

(Amendments which were adopted pursuant to Articles 59 and 60 of the Convention and which entered into force on 13 September 2012)

Amendment proposal to the TIR convention, 1975
adopted by the
Administrative Committee for the TIR Convention on 3 February
2011

Article 1 (q), line 1:

For 'approved' read 'authorized'

Article 1(q), line 2:

For 'surety' read 'guarantor' ¹

Article 1 (q):

After Article 1 (q) insert a new paragraph (r) to read:

(r) the term "international organization" shall mean an organization authorized by the Administrative Committee to take on responsibility for the effective organization and functioning of an international guarantee system.

Article 8, paragraph 1:

Modify paragraph 1 to read:

1. The guaranteeing association shall undertake to pay up to the maximum of the guaranteed amount of the import and export duties and taxes together with any default interest due under the Customs laws and regulations of the Contracting Party in which an irregularity leading up to a claim against the guaranteeing association has been established in connection with a TIR operation. It shall be liable, jointly and severally with the persons from whom the sums mentioned above are due, for payment of such sums.

Article 8, paragraph 7:

Delete the text of paragraph 7

Article 10, paragraph 2, line 1:

For 'country' read 'Contracting Party'

Article 11, paragraph 1:

Modify paragraph 1 to read:

1. Where a TIR operation has not been discharged, the competent authorities shall:

(a) notify the TIR Carnet holder at his address indicated in the TIR Carnet of the non-discharge;

(b) notify the guaranteeing association of the non-discharge.

The competent authorities shall notify the guaranteeing association with a maximum period of one year from the date of acceptance of the TIR Carnet by those authorities or two years when the certificate of termination of the TIR operation was falsified or obtained in an improper or fraudulent manner.

¹ English and French only, in the Russian text the existing term remains unchanged

Article 11, paragraph 1:

After paragraph 1 insert a new paragraph 2 to read:

2. Where the payment of the sums mentioned in Article 8, paragraphs 1 and 2 becomes due, the competent authorities shall, so far as possible, require payment from the person or persons liable for such payment before making a claim against the guaranteeing association.

Article 11, paragraph 2:

Renumber paragraphs 2 and 3 to become paragraphs 3 and 4.

Article 11, new paragraph 3:

Modify paragraph 3 to read:

3. The claim for payment of the sums referred to in Article 8, paragraphs 1 and 2 shall be made against the guaranteeing association at the earliest three months after the date on which the association was notified that the operation had not been discharged or that the certificate of termination of the TIR operation had been falsified or obtained in an improper or fraudulent manner and not more than two years after that date. However, in cases of TIR operations which, during the above-mentioned period of two years, become the subject of administrative or legal proceedings concerning the payment obligation of the person or persons referred to in paragraph 2 of this Article, any claim for payment shall be made within one year of the date on which the decision of the competent authorities or courts becomes enforceable.

Article 11, new paragraph 4:

For the existing text read:

4. The guaranteeing association shall pay the amounts claimed within a period of three months from the date when a claim for payment is made against it.

5. The sums paid shall be reimbursed to the guaranteeing association if, within a two-year period following the date on which the claim for payment was made against it, it has been established to the satisfaction of the competent authorities that no irregularity was committed in connection with the TIR operation in question. The two-year time limit may be extended in accordance with national legislation.

Annex 6, Explanatory Note 0.8.3, line 1:

For 'Customs authorities' read 'Contracting Parties'

Annex 6, Explanatory Note 0.8.5, line 1:

For 'the guarantee is questioned' read 'a payment request is made against the guaranteeing association'

Annex 6, Explanatory Note 0.8.7:

Delete Explanatory Note 0.8.7

Annex 6, Explanatory Note 0.10:

Renumber Explanatory Note 0.10 to become Explanatory Note 0.10–1

Annex 6, Explanatory Note 0.10–1:

After Explanatory Note 0.10–1 insert a new Explanatory Note 0.10–2 to read:

'0.10–2 The phrase "or no termination has taken place" includes those situations where the certificate of termination has been falsified.'

Annex 6, Explanatory Note 0.11–1:

For the existing text read:

‘0.11–1 The method of notification in writing is left to national legislation.

Annex 6, Explanatory Note 0.11–2:

For the existing text read:

‘0.11–2 The efforts to be made by the competent authorities to require payment from the person or persons liable shall include, at least, the sending of the claim for payment to the TIR carnet holder, at his address indicated in the TIR carnet, or the person or persons liable, if different, established in accordance with national legislation. The claim for payment to the TIR carnet holder may be combined with the notification referred to in paragraph 1(a) of this Article.’

Annex 6, Explanatory Note 0.11–3:

For the existing text read:

‘0.11–3–1 In deciding whether or not to release the goods or vehicle, competent authorities should not, when they have other means in law of protecting the interests for which they are responsible, be influenced by the fact that the guaranteeing association is liable for the payment of duties, taxes and default interest payable by the holder of the carnet.

0.11–3–2 The competent authorities may inform the guaranteeing association that administrative or legal proceedings concerning the payment obligation were initiated. In any event, the competent authorities shall inform the guaranteeing association of such proceedings that may be terminated after the two-year time limit before that time limit has expired.’

Annex 6, Explanatory Note 0.11–4:

Add a new Explanatory Note 0.11–4 to read:

‘0.11–4 If a guaranteeing association is asked, in accordance with the procedure set out in this Article, to pay the sums referred to in Article 8, paragraphs 1 and 2, and fails to do so within the time limit of three months prescribed by the Convention, the competent authorities may rely on national regulations in requiring payment of the sums in question because what is involved in such cases is a failure to carry out a contract of guarantee entered into by the guaranteeing association under national law. The time limit also applies in the event that the guaranteeing association, on receipt of the claim, consults the international organisation referred to in Article 6, paragraph 2, over its position concerning the claim.’

Annex 6, Explanatory Note 0.28:

Renumber Explanatory Note 0.28 to become Explanatory Note 0.28–1

After Explanatory Note 0.28–1 insert a new Explanatory Note 0.28–2 to read:

‘0.28–2 This Article provides that the termination of a TIR operation shall be subjected to the goods being placed under another Customs procedure or another system of Customs control. This includes clearing the goods for home use (either full or conditionally), the transfer across the border to a third country (export), or to a free zone, or the storage of the goods in a place approved by the Customs authorities while awaiting the declaration for another procedure.’

Amendment 31

(Amendments which were adopted pursuant to Articles 59 and 60 of the Convention and which entered into force on 10 October 2013)

Amendment proposal to the TIR convention, 1975

adopted by the

Administrative Committee for the TIR Convention on

9 February 2012

Article 6, paragraph 2 bis

Modify paragraph 2 bis to read:

2 bis. An international organization shall be authorized by the Administrative Committee to take on responsibility for the effective organization and functioning of an international guarantee system. The authorization shall be granted as long as the organization fulfils the conditions and requirements laid down in Annex 9, Part III. The Administrative Committee may revoke the authorization if these conditions and requirements are no longer fulfilled.

Annex 9, new part III

Insert a new part III to read:

Authorization of an international organization, as referred to in Article 6, to take on the responsibility for the effective organization and functioning of an international guarantee system and to print and distribute TIR Carnets.

Conditions and requirements

1. The conditions and requirements to be complied with by an international organization in order to be authorized, in accordance with Article 6.2 bis of the Convention, by the Administrative Committee to take on the responsibility for the effective organization and functioning of an international guarantee system and to print and distribute TIR Carnets are:

(a) Proof of sound professional competence and financial standing for the effective organization and functioning of an international guarantee system and the organizational capabilities to fulfil its obligations under the Convention by means of annual submissions of consolidated financial statements duly audited by internationally recognized independent auditors;

(b) Absence of serious or repeated offences against Customs or tax legislation.

2. Pursuant to the authorization, the international organization shall:

(a) provide the Contracting Parties of the TIR Convention via the national associations affiliated to the international organization with certified copies of the global guarantee contract and proof of guarantee coverage;

(b) provide the competent bodies of the TIR Convention with information on the rules and procedures set out for the issue of TIR Carnets by national associations;

(c) provide the competent bodies of the TIR Convention, on a yearly basis, with data on claims lodged, pending, paid or settled without payment;

(d) provide the competent bodies of the TIR Convention with full and complete information on the functioning of the TIR system, in particular, but not limited to, timely and well founded information on trends in the number of non-

terminated TIR operations, claims lodged, pending, paid or settled without payment that might give rise to concerns with regard to the proper functioning of the TIR system or that could lead to difficulties for the continued operation of its international guarantee system;

(e) provide the competent bodies of the TIR Convention with statistical data on the number of TIR Carnets distributed to each Contracting Party, broken down by type;

(f) provide the TIR Executive Board with details of the distribution price by the international organization of each type of TIR Carnet;

(g) take all possible steps to reduce the risk of counterfeiting TIR Carnets;

(h) take the appropriate corrective action in cases where faults or deficiencies with the TIR Carnet have been detected and report these to the TIR Executive Board;

(j) fully participate in cases where the TIR Executive Board is called upon to facilitate the settlement of disputes;

(k) ensure that any problem involving fraudulent activities or other difficulties with regard to the application of the TIR Convention is immediately brought to the attention of the TIR Executive Board;

(l) manage the control system for TIR Carnets, provided for in Annex 10 of the Convention, together with national guaranteeing associations affiliated to the international organization and the Customs authorities and inform the Contracting Parties and the competent bodies of the Convention of problems encountered in the system;

(m) provide the competent bodies of the TIR Convention with statistics and data on the performance of Contracting Parties with regard to the control system provided for in Annex 10;

(n) conclude, not less than two months before the provisional date of entry into force or renewal of the authorization granted in accordance with Article 6.2 bis of the Convention, a written agreement with the United Nations Economic Commission for Europe secretariat, mandated by and acting on behalf of the Administrative Committee, which shall include the acceptance by the international organization of its duties set out in this paragraph.

3. When the international organization is informed by a guaranteeing association of a claim for payment, it shall, within a period of three (3) months inform the guaranteeing association of its position concerning the claim.

4. All information acquired, directly or indirectly, by the international organization under the Convention, which is by nature confidential or which is provided on a confidential basis, shall be covered by the obligation of professional secrecy and shall not be used or processed neither for any commercial purpose nor for any other purpose than for which it has been provided or disclosed to any third party without the express permission of the person or authority that provided it. Such information may, however, be disclosed without permission to competent authorities of Contracting Parties to this Convention, where there is an authorization or obligation to do so pursuant to provisions of national or international law or in connection with legal proceedings. The disclosure or communication of information shall take place in full compliance with data-protection provisions in force.

5. The Administrative Committee shall have the right to revoke the authorization granted in accordance with Article 6.2 bis in case of non-compliance with the above conditions and requirements. Should the Administrative Committee decide to revoke the authorization, the decision will become effective at the earliest

six (6) months after the date of revocation.

6. The authorization of an international organization under the terms set out above shall be without prejudice to that organization's responsibilities and liabilities under the Convention.

Amendment 32

(Amendments which were adopted pursuant to Article 60 of the
Convention and which entered into force on 1 January 2015)

Amendment proposal to the TIR convention, 1975

adopted by the

Administrative Committee for the TIR Convention

on 6 February 2014 and 12 June 2014

Annex 1, page 11, point (5)

For HS code: 24.03.10 read HS code: 24.03.11 and 24.03.19

Annex 6, Explanatory Note 0.8.3, point (5)

For 'HS code: 24.03.10' read 'HS code: 24.03.11 and 24.03.19

Annex 6, new Explanatory Note 0.38.2

Add a new Explanatory Note to Article 38, paragraph 2 to read:

'Explanatory Note to paragraph 2

0.38.2. The legal requirement to notify the TIR Executive Board that a person has been temporarily or permanently excluded from the operation of the Convention is deemed to be fulfilled by means of the proper use of electronic applications developed to this end by the TIR secretariat under the supervision of the TIR Executive Board.'

Annex 6, New Explanatory Note 8.9.1

Add a new Explanatory Note to Annex 8, Article 9, paragraph 1 to read:

'8.9.1. The members of the TIR Executive Board shall be competent and experienced in the application of Customs procedures, particularly the TIR transit procedure, both at national and international levels. Board members shall be nominated by their respective Governments or organisations being Contracting Parties to the Convention. They shall represent the interests of the Contracting Parties to the Convention and not the specific interests of any one individual Government or organisation.'

Annex 6, New Explanatory Note 8.9.2

Add a new Explanatory Note to Annex 8, Article 9, paragraph 2 to read:

'8.9.2. In case a member of the TIR Executive Board resigns before the completion of his/her mandated term of office, the Administrative Committee may elect a replacement member. In that case the elected member shall only hold office for the unexpired portion of the term of office of his/her predecessor. In the event that a member of the TIR Executive Board is unable, for reasons other than resignation, to complete his or her term of office, this information should be transmitted in writing to the TIR Executive Board and the TIR secretariat by the national administration of the member concerned. In this case, the Administrative Committee may elect a replacement member for the unexpired portion of the term of office.'

Annex 6, New Explanatory Note 9.II.4

Add a new Explanatory Note to Annex 9, Part II, paragraph 4 to read:

‘Explanatory Note to paragraph 4

9.II.4 The legal requirements for data submission, as set out in paragraph 4 are deemed to be fulfilled by means of the proper use of electronic applications developed to this end by the TIR secretariat under the supervision of the TIR Executive Board.’

Annex 6, New Explanatory Note 9.II.5

Add a new Explanatory Note to Annex 9, Part II, paragraph 5 to read:

‘Explanatory Note to paragraph 5

9.II.5 Explanatory Note 9.II.4 applies mutatis mutandis to paragraph 5.’

Annex 9, Part I, paragraph 3 (vi)²

For the existing text read

(vi) provide the TIR Executive Board, annually, before 1 March with the price of each type of TIR Carnet it issues;

² Adopted on 12 June 2014

Amendment 33

(Amendments which were adopted pursuant to Article 60 of the Convention and which entered into force on 1 January 2017)

Amendment proposal to the TIR convention, 1975
adopted by the
Administrative Committee for the TIR Convention on
10-11 February 2016

Annex 6, new Explanatory Note 0.42 bis:

Add a new Explanatory Note to Article 42 bis to read as follows:

‘0.42 bis The term “immediately” in Article 42 bis is understood to mean that national measures that may affect the application of the TIR Convention and/or functioning of the TIR system, ought to be communicated in writing to the TIR Executive Board (TIRExB) as soon as possible and, if possible, prior to their entry into force, so as to allow TIRExB to efficiently discharge its supervisory functions and fulfil its responsibility to examine the measure as to its conformity with the TIR Convention in accordance with Article 42 bis and its Terms of Reference as laid down in Annex 8 of the TIR Convention.’

Annex 2, Article 4, paragraph 2, (i):

For the existing text substitute:

‘(i) The sliding sheets, floor, doors and all other constituent parts of the load compartment shall be assembled either by means of devices which cannot be removed and replaced from the outside without leaving obvious traces, or by such methods as will produce a structure which cannot be modified without leaving obvious traces.’

Annex 2, Article 4, paragraph 2, (iii):

For the existing text substitute:

‘(iii) The sliding sheet guidance, sliding sheet tension devices and other movable parts shall be assembled in such a way that when closed, and Customs sealed, doors and other movable parts cannot be opened or closed from the outside without leaving obvious traces. The sliding sheet guidance, sliding sheet tension devices and other movable parts shall be assembled in such a way that it is impossible to gain access to the load compartment without leaving obvious traces once the closing devices have been secured. An example of such a system of construction is given in sketch No. 9 appended to these Regulations.’

Annex 2, new Article 5

After the modified Article 4 insert:

‘Article 5

Vehicles with a sheeted sliding roof

1. Where applicable, the provisions of Articles 1, 2, 3 and 4 of these Regulations shall apply to vehicles with a sheeted sliding roof. In addition, these vehicles shall conform to the provisions of this Article.

2. The sheeted sliding roof shall fulfil the requirements set out in (i) to (iii) below.
- (i) The sheeted sliding roof shall be assembled either by means of devices which cannot be removed and replaced from the outside without leaving obvious traces, or by such methods as will produce a structure which cannot be modified without leaving obvious traces.
 - (ii) The sliding roof sheet shall overlap with the solid part of the roof at the front side of the load compartment, so that the roof sheet cannot be pulled over the top edge of the upper cantrail. In the length of the load compartment, at both sides, in the hem of the roof sheet, a pre-stressed steel cable shall be inserted in such a way that it cannot be removed and re-inserted without leaving obvious traces. The roof sheet shall be secured to the sliding carriage in such a way that it cannot be removed and re-secured without leaving obvious traces.
 - (iii) The sliding roof guidance, the sliding roof tension devices and other movable parts shall be assembled in such a way that when closed, and Customs sealed, doors, roof and other movable parts cannot be opened or closed from the outside without leaving obvious traces. The sliding roof guidance, sliding roof tension devices and other movable parts shall be assembled in such a way that it is impossible to gain access to the load compartment without leaving obvious traces once the closing devices have been secured.

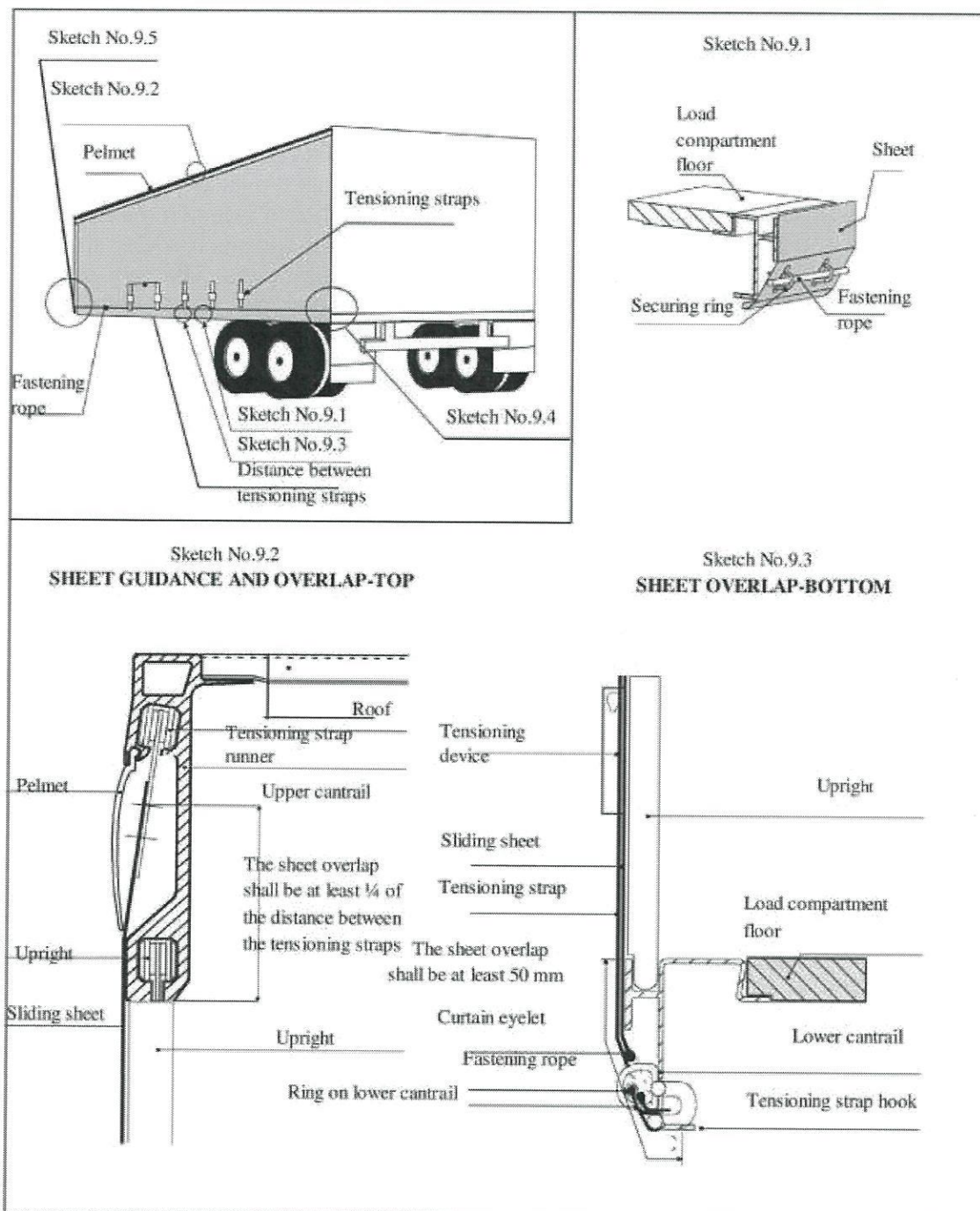
An example of a possible system of construction is shown in sketch No.10, appended to these Regulations. '

Annex 2, Sketch No. 9:

For the existing Sketch No. 9 substitute:

'Sketch No. 9

EXAMPLE OF A CONSTRUCTION OF A VEHICLE WITH SLIDING SHEETS

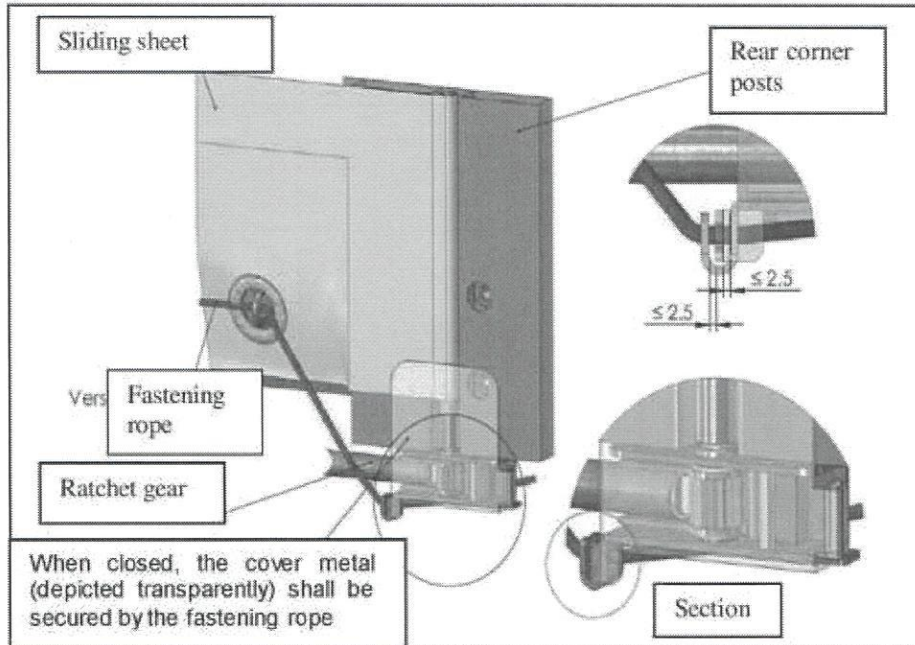


Sketch No. 9 continued

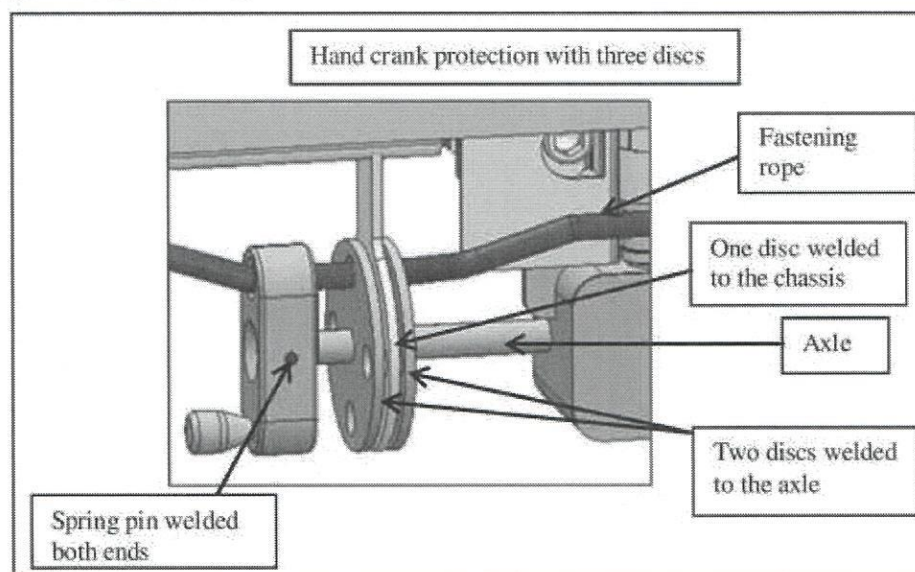
Sketch No. 9.4

To tighten the sliding sheets in the horizontal direction, a ratchet gear is used (normally at the rear end of the vehicle). This sketch shows two examples, (a) and (b), of how the ratchet or gearbox may be secured.

(a) Ratchet securing



(b) Gearbox securing

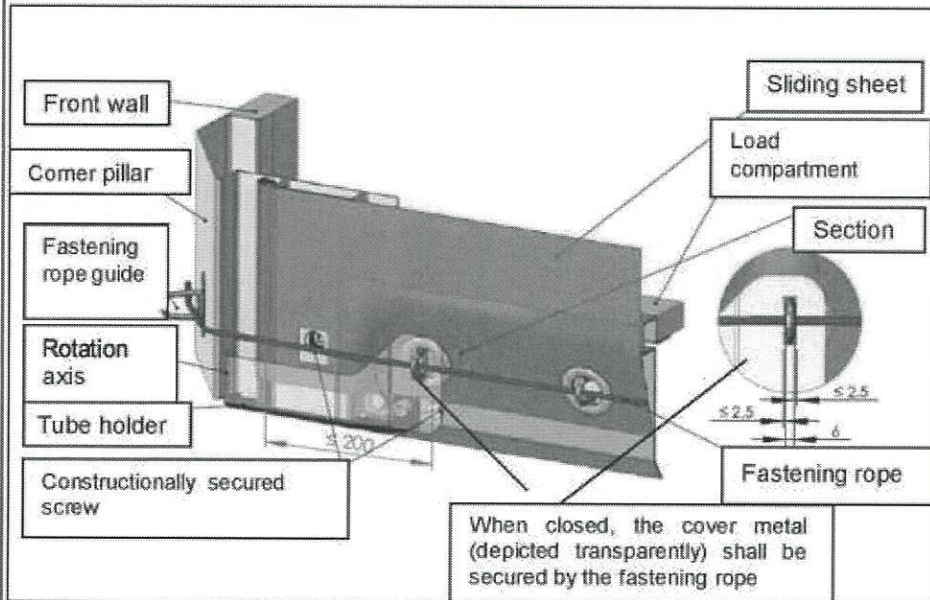


Sketch No. 9 continued

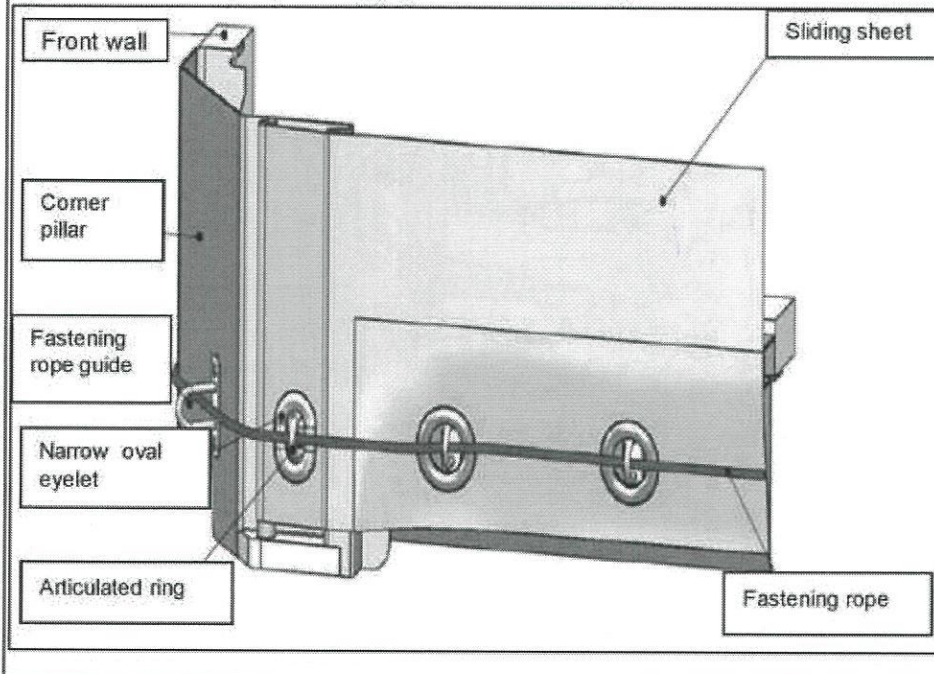
Sketch No. 9.5

To fix the sliding sheet on the other side (normally the front of the vehicle), the following systems, (a) or (b), may be used.

(a) Cover metal

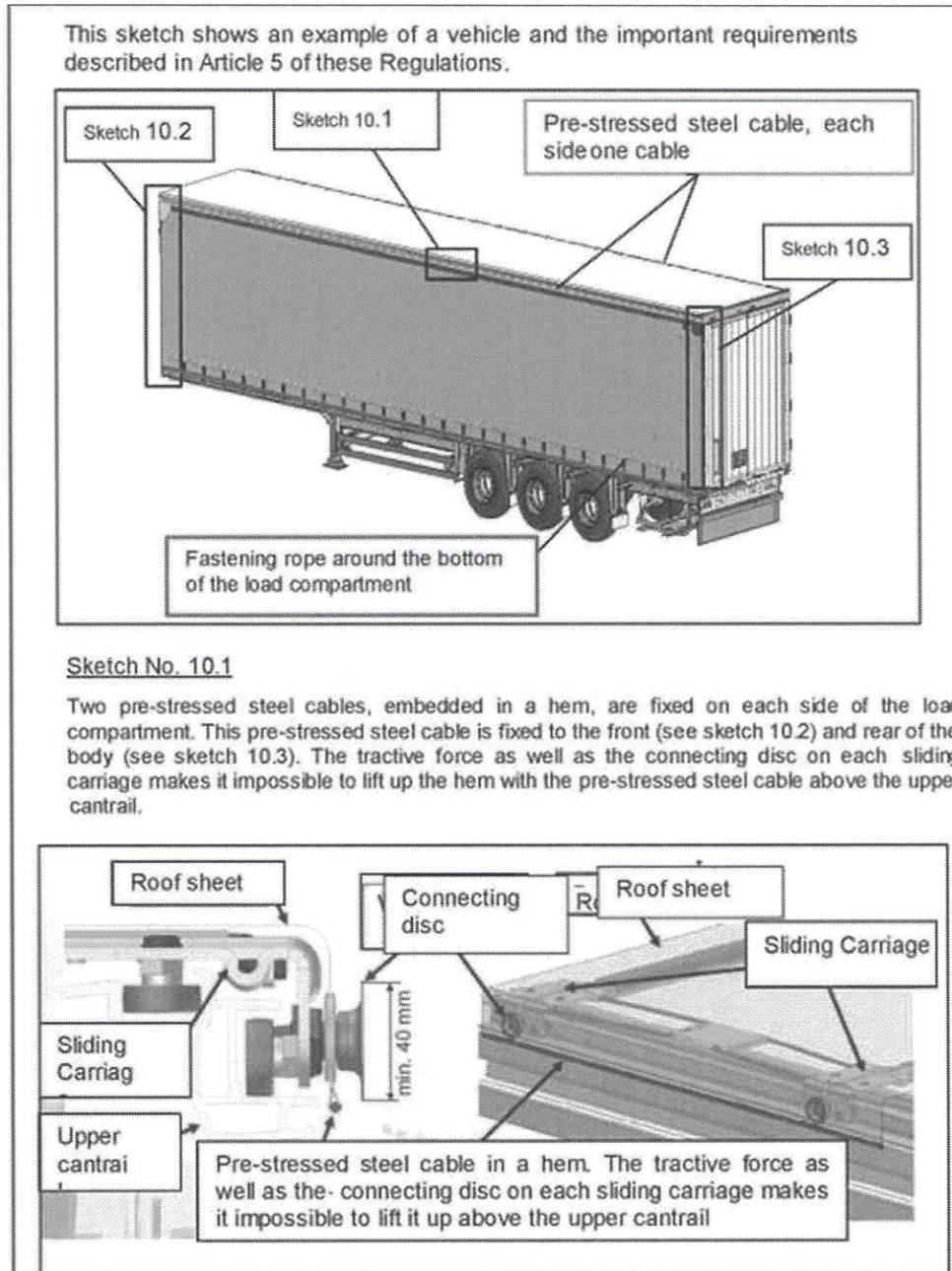


(b) Narrow oval eyelet, anti-lifting system for the tensioning tube



Annex 2, new Sketch No 10:
After new Sketch No 9 insert:
'Sketch No 10

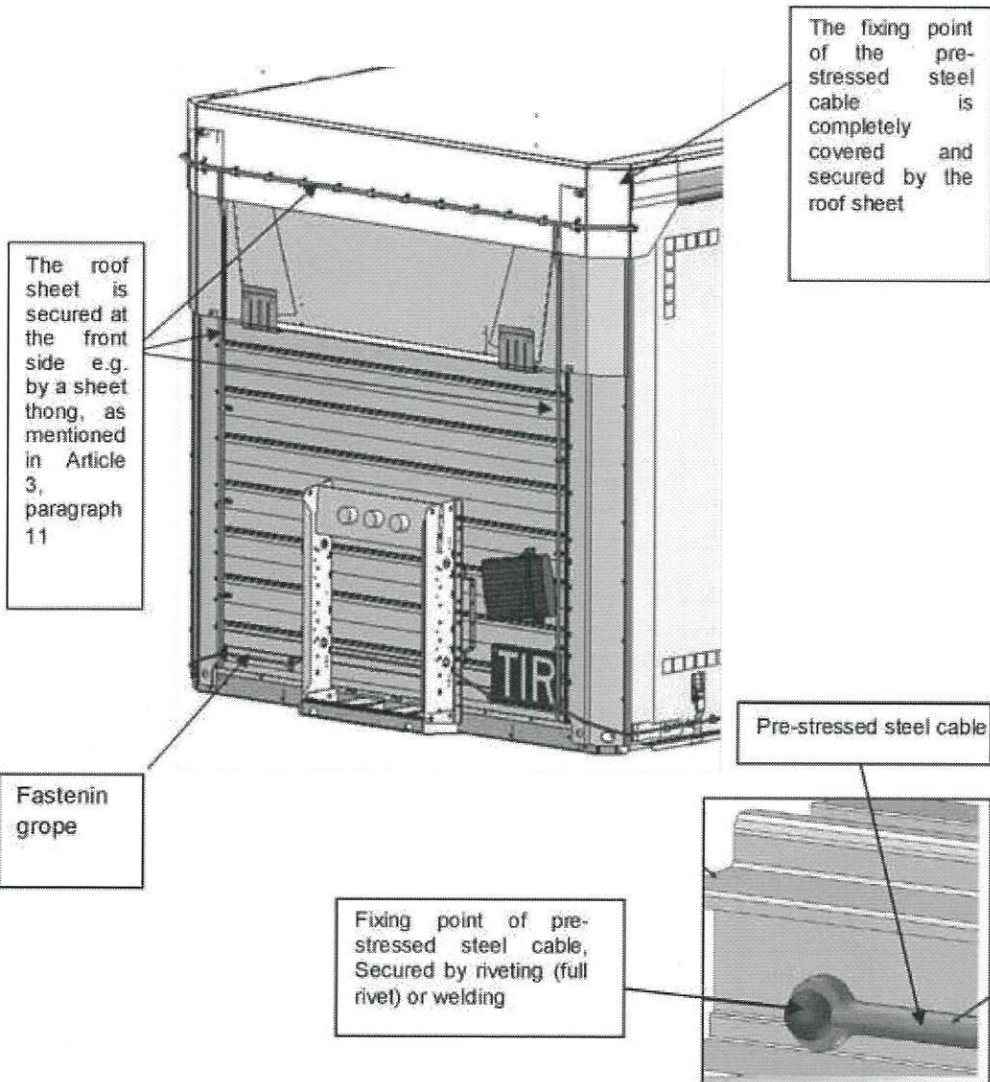
EXAMPLE OF A CONSTRUCTION OF A VEHICLE WITH A SHEETED SLIDING ROOF



Sketch No. 10 continued

Sketch No.10.2

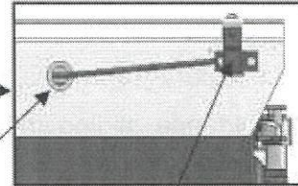
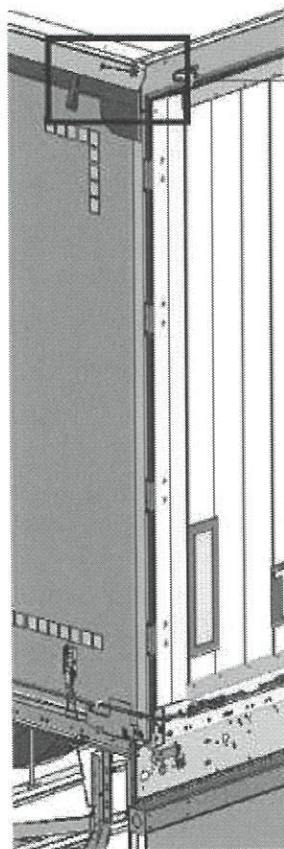
The sliding roof sheet shall overlap with the solid part of the roof at the front side of the load compartment, so that the roof sheet cannot be pulled over the top edge of the upper cantrail.



Sketch No. 10 continued

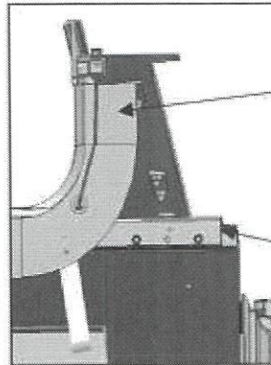
Sketch No.10.3

At the rear, a special device, such as a baffle plate, is fitted to the roof, preventing access to the load compartment, without leaving obvious traces when the doors are closed and sealed.



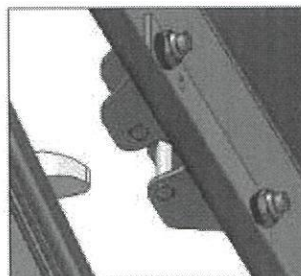
Pre-stressed cable goes in a hem

The fixing point of the pre-stressed steel cable is completely covered, and the metal cover is secured by welding or riveting (full rivet)



Tensioning device on the lever mechanism. By folding down the part of the roof with the tensioning device, the pre-stressed steel cable will be under tension

Sliding carriage from the roof sheet (closed) with lock system (inside)



By closing and sealing the doors, the systems are customs secure.

Annex 7, Part I, Article 5, paragraph 2 (i):

For the existing text substitute:

'(i) The sliding sheets, floor, doors and all other constituent parts of the container shall be assembled either by means of devices which cannot be removed and replaced from the outside without leaving obvious traces, or by such methods as will produce a structure which cannot be modified without leaving obvious traces.'

Annex 7, Part I, Article 5, paragraph 2 (iii):

'(iii) The sliding sheet guidance, sliding sheet tension devices and other movable parts shall be assembled in such a way that when closed, and Customs sealed, doors and other movable parts cannot be opened or closed from the outside without leaving obvious traces. The sliding sheet guidance, sliding sheet tension devices and other movable parts shall be assembled in such a way that it is impossible to gain access to the container without leaving obvious traces once the closing devices have been secured. An example of such a system of construction is given in sketch No. 9 appended to these Regulations.'

Annex 7, Part I, new Article 6:

After the modified Article 5 insert

'Article 6

Containers with a sheeted sliding roof

1. Where applicable, the provisions of Articles 1, 2, 3, 4 and 5 of these Regulations shall apply to containers with a sheeted sliding roof. In addition, these containers shall conform to the provisions of this Article.

2. The sheeted sliding roof shall fulfil the requirements set out in (i) to (iii) below.

- (i) The sheeted sliding roof shall be assembled either by means of devices which cannot be removed and replaced from the outside without leaving obvious traces, or by such methods as will produce a structure which cannot be modified without leaving obvious traces.
- (ii) The sliding roof sheet shall overlap with the solid part of the roof at the front side of the container, so that the roof sheet cannot be pulled over the top edge of the upper cantrail. In the length of the container, at both sides, in the hem of the roof sheet, a pre-stressed steel cable shall be inserted in such a way that it cannot be removed and re-inserted without leaving obvious traces. The roof sheet shall be secured to the sliding carriage in such a way that it cannot be removed and resecured without leaving obvious traces.
- (iii) The sliding roof guidance, the sliding roof tension devices and other movable parts shall be assembled in such a way that when closed, and Customs sealed, doors, roof and other movable parts cannot be opened or closed from the outside without leaving obvious traces. The sliding roof guidance, sliding roof tension devices and other movable parts shall be assembled in such a way that it is impossible to gain access to the container without leaving obvious traces once the closing devices have been secured.

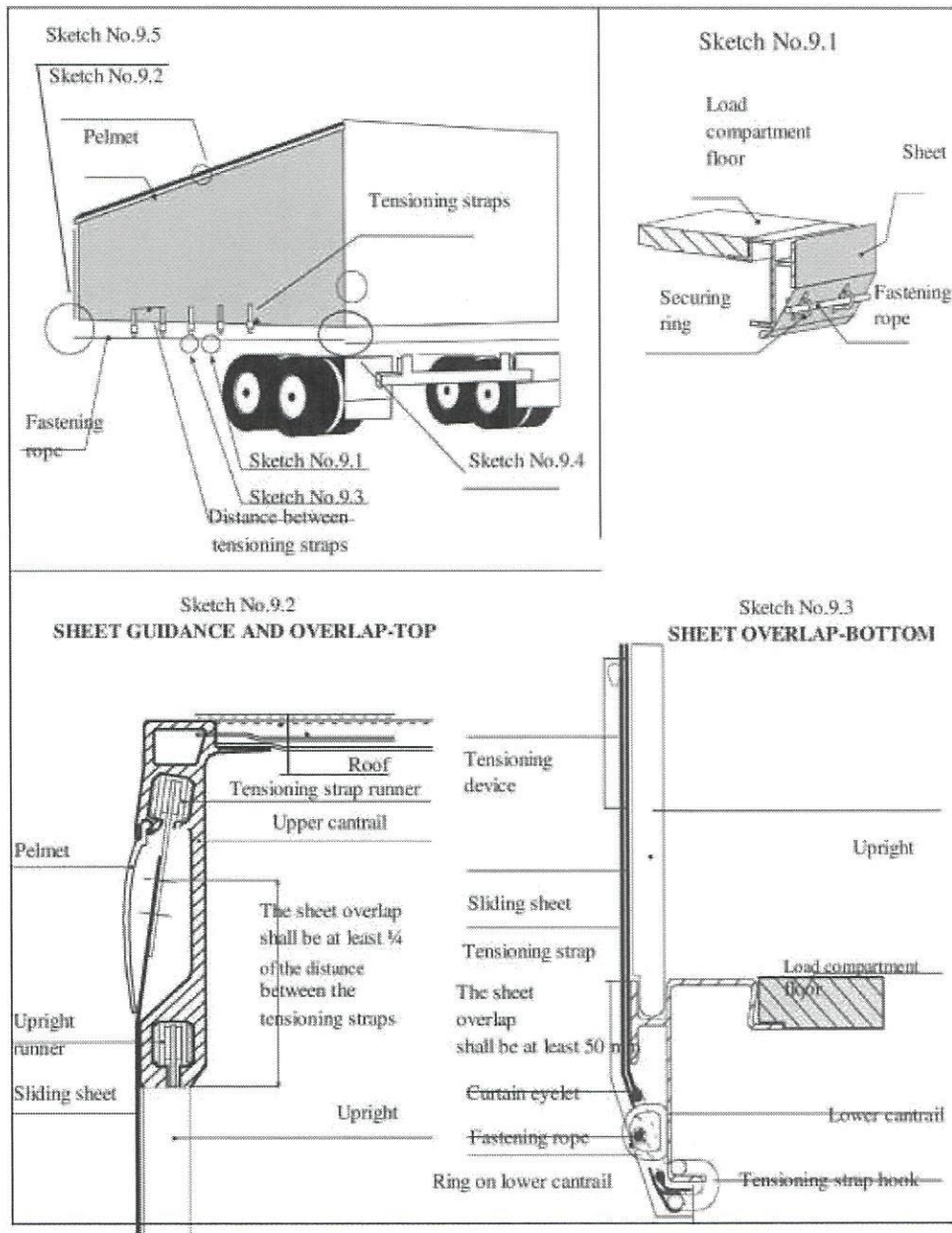
An example of a possible system of construction is shown in sketch No. 10, appended to these Regulations.'

Annex 7, Part I, Sketch No. 9

For the existing Sketch No. 9 substitute

Sketch No. 9

EXAMPLE OF A CONSTRUCTION OF A CONTAINER WITH SLIDING SHEETS

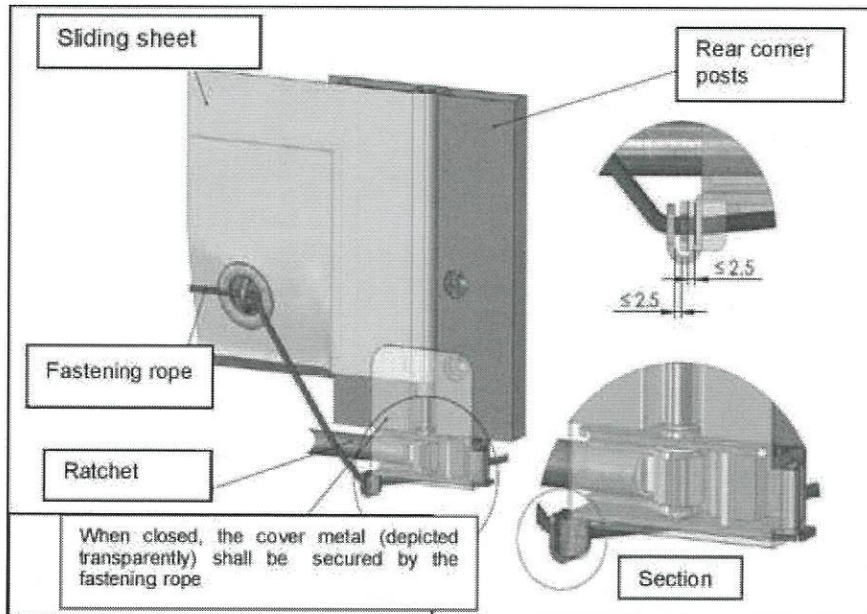


Sketch No. 9 continued

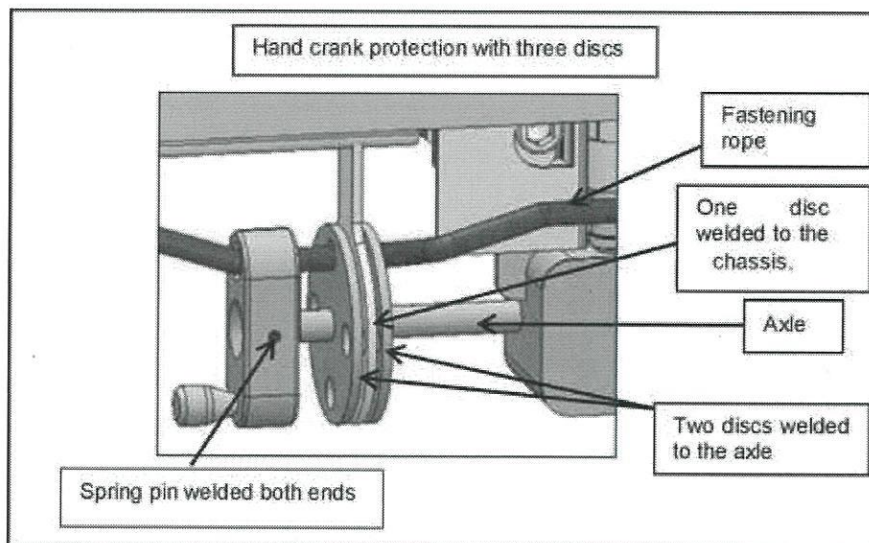
Sketch No. 9.4

To tighten the sliding sheets in the horizontal direction, a ratchet gear is used (normally at the rear end of the container). This sketch shows two examples, (a) and (b), of how the ratchet or gearbox may be secured.

(a) Ratchet securing



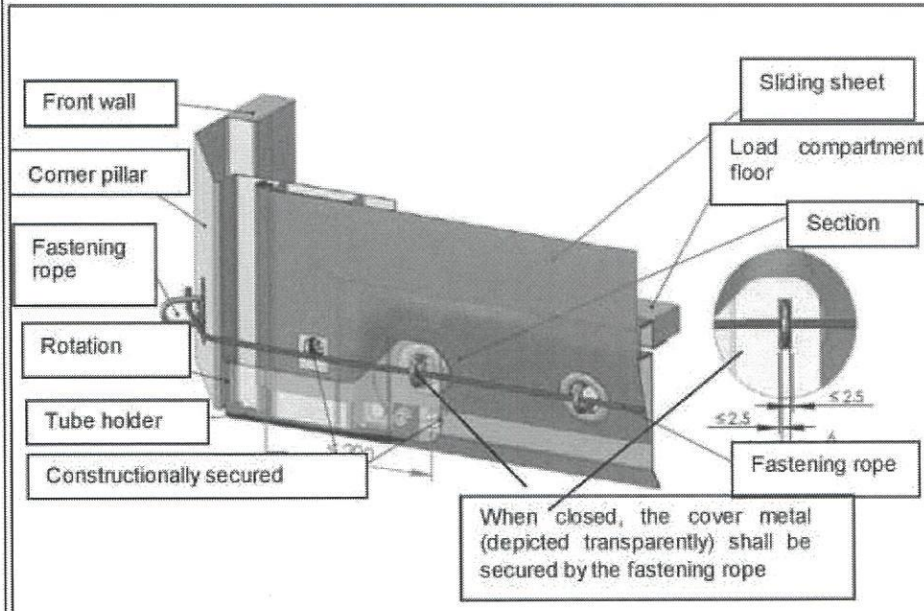
(b) Gearbox securing



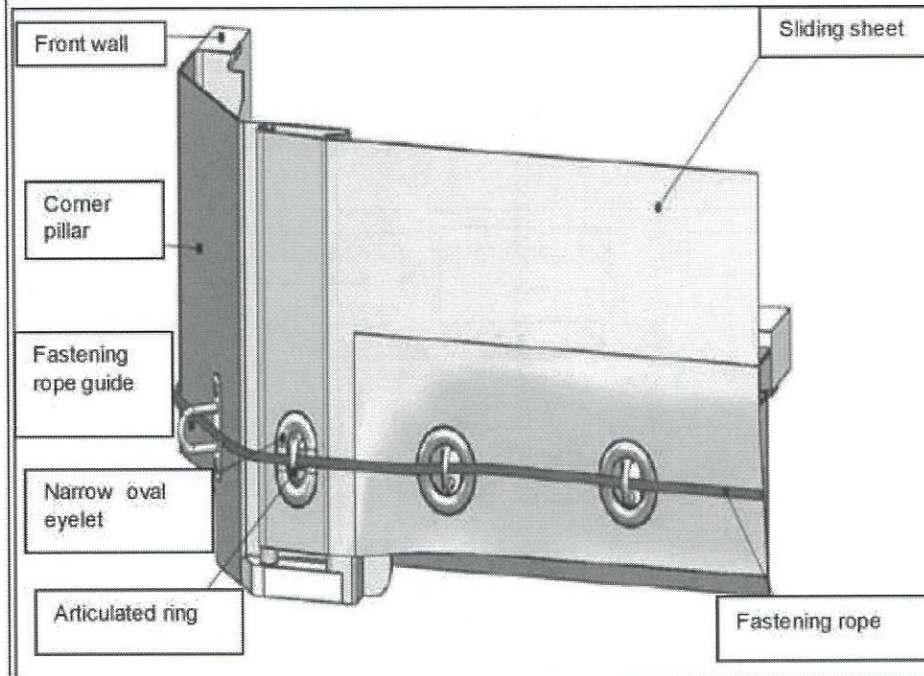
Sketch No. 9.5

To fix the sliding sheet on the other side (normally the front of the container), the following systems, (a) or (b), may be used.

(a) Cover metal



(b) Narrow oval eyelet, anti-lifting system for the tensioning tube



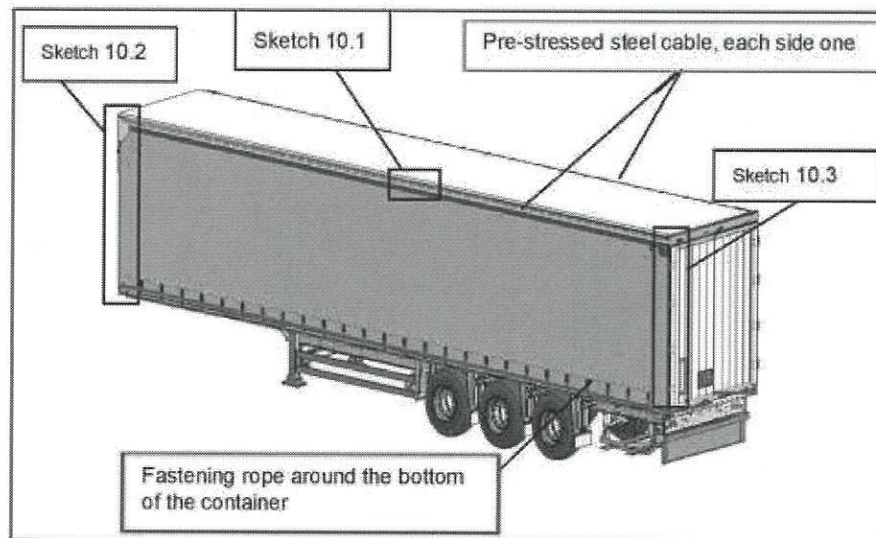
Annex 7, Part I, new Sketch No. 10:

After new Sketch No. 9 insert

Sketch No. 10

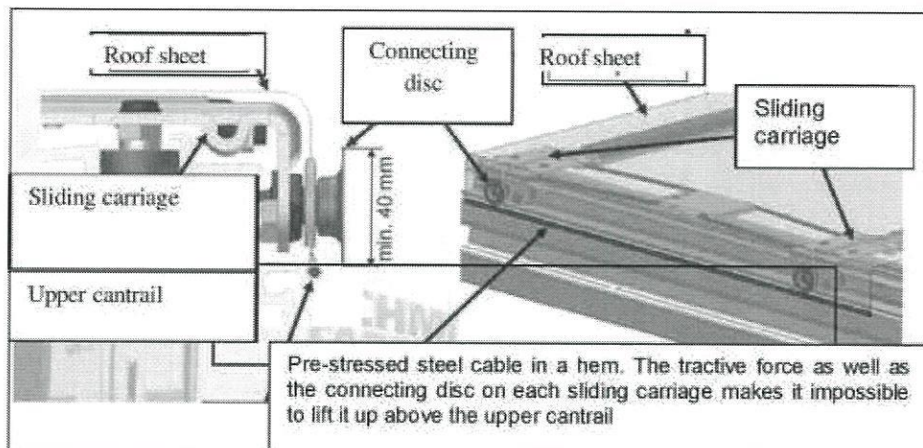
**EXAMPLE OF A CONSTRUCTION OF A CONTAINER WITH A SHEETED
SLIDING ROOF**

This sketch shows an example of a container and the important requirements described in Article 6 of these Regulations.



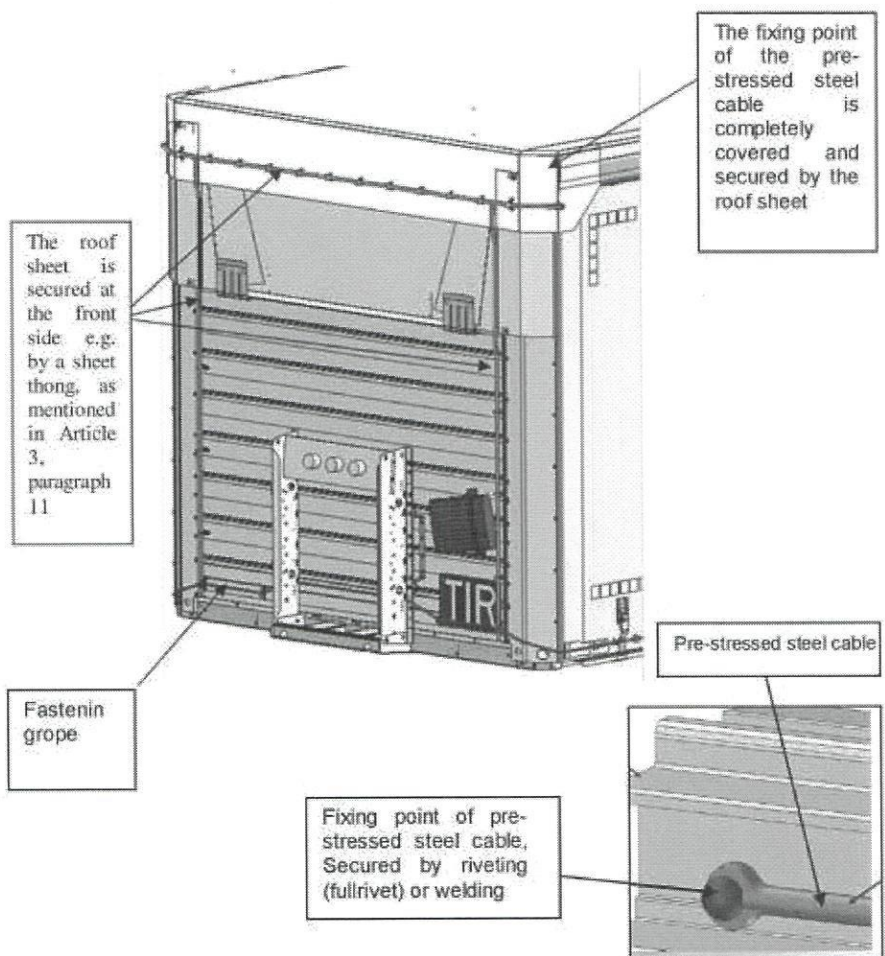
Sketch No. 10.1

Two pre-stressed steel cables, embedded in a hem, are fixed on each side of the container. This pre-stressed steel cable is fixed to the front (see sketch 10.2) and rear of the body (see sketch 10.3). The tractive force as well as the connecting disc on each sliding carriage makes it impossible to lift up the hem with the pre-stressed steel cable above the upper cantrail.



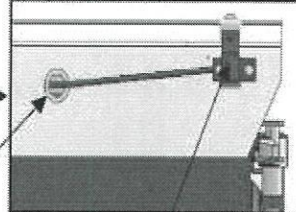
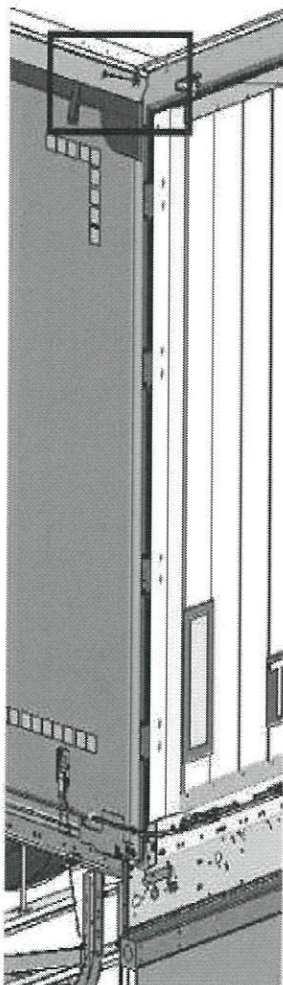
Sketch No. 10.2

The sliding roof sheet shall overlap with the solid part of the roof at the front side of the container, so that the roof sheet cannot be pulled over the top edge of the upper cantrail.



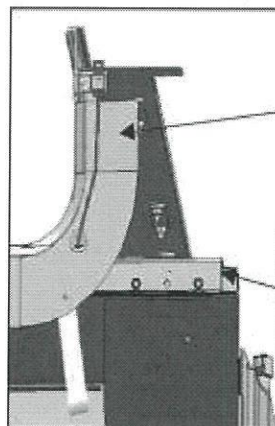
Sketch No. 10.3

At the rear, a special device, such as a baffle plate, is fitted to the roof, preventing access to the container without leaving obvious traces when the doors are closed and sealed.



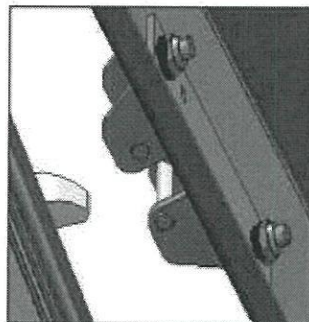
Pre-stressed cable goes in a hem

The fixing point of the pre-stressed steel cable is completely covered, and the metal cover is secured by welding or riveting (full rivet)



Tensioning device on the lever mechanism. By folding down the part of the roof with the tensioning device, the pre-stressed steel cable will be under tension

Sliding carriage from the roof sheet (closed) with lock system (inside)



By closing and sealing the doors, the systems are customs secure

Amendment 34

(Amendments which were adopted pursuant to Article 60 of the Convention and which entered into force on 1 July 2018)

Amendment proposal to the TIR convention, 1975
adopted by the
Administrative Committee for the TIR Convention
12 October 2017

Annex 6, Explanatory Note 0.8.3

For US\$ 50,000 read 100,000 Euros

Annex 6, Explanatory Note 8.1 bis.6

Add a new Explanatory Note 8.1 bis.6 to read

The Committee may ask the competent United Nations services to perform the additional examination. The Committee may, alternatively, decide to engage an independent external auditor and mandate the TIR Executive Board to prepare the terms of reference of the audit, based on the object and purpose of the audit as determined by the Committee. The terms of reference shall be approved by the Committee. The additional examination by an external independent auditor shall result in a report and a management letter that shall be submitted to the Committee. In such a case, the financial cost of engaging an independent external auditor, including the related procurement procedure, shall be incurred by the budget of the TIR Executive Board.

Annex 8, Article 1 bis

After the existing text insert new paragraphs 4, 5 and 6 to read

4. The Committee shall receive and examine the annual audited financial statements and audit report(s) submitted by the international organization pursuant to the obligations under Annex 9, Part III. In the course and within the scope of its examination, the Committee may request that additional information, clarifications or documents be provided by the international organization or the independent external auditor.

5. Without prejudice to the examination mentioned in paragraph 4, the Committee shall, on the basis of a risk assessment, have the right to request additional examinations to be carried out. The Committee shall mandate the TIR Executive Board or request the competent United Nations services to carry out the risk assessment.

The scope of additional examinations shall be determined by the Committee, taking into account the risk assessment of the TIR Executive Board or of the competent United Nations services.

The results of all examinations referred to in this article shall be kept by the TIR Executive Board and provided to all Contracting Parties for due consideration.

6. The procedure for undertaking the additional examinations shall be

approved by the Committee.

Annex 9, Part I, subtitle

Before conditions and requirements add Minimum

Annex 9, Part I, paragraph 1 (first line)

After The add minimum

Annex 9, Part I, paragraph 7

For Contracting Parties read that each Contracting Party

Annex 9, Part II, Procedure, Model Authorization Form, paragraph 1

For approved read authorized

Annex 9, Part III, paragraph 2

After subparagraph (n) insert new subparagraphs (o), (p) and (q) to read

(o) maintain separate records and accounts containing information and documentation which pertain to the organization and functioning of an international guarantee system and the printing and distribution of TIR Carnets;

(p) provide its full and timely cooperation, including, but not limited to, allowing access to the above records and accounts to the competent United Nations services or to any other duly authorized competent entity and, at all times, facilitating additional inspections and audits performed by them on behalf of Contracting Parties, pursuant to Annex 8, Article 1 bis, paragraphs 5 and 6;

(q) engage an independent external auditor to conduct annual audits of the records and accounts mentioned under subparagraph (o). The external audit shall be performed in accordance with International Standards on Auditing (ISA) and shall result in an annual audit report and a management letter which shall be submitted to the Administrative Committee.

Amendment 35

(Amendments which were adopted pursuant to Article 60 of the Convention and which entered into force on 3 February 2019)

Amendment proposal to the TIR convention, 1975

adopted by the

Administrative Committee for the TIR Convention on 12 October 2017

Article 1, paragraph (q)

After customs authorities add or other competent authorities

Article 3, paragraph (b)

For approved read authorized

Article 6, paragraph 2

For approved read authorized

Article 11, paragraph 3

For three months read one month

Article 38, paragraph 1

For the existing text read

Each of the Contracting Parties shall have the right to exclude temporarily or permanently from the operation of this Convention any person guilty of a serious or repeated offence against the customs laws or regulations applicable to the international transport of goods. The conditions in which the offence against the customs laws or regulations is considered to be serious shall be decided by the Contracting Party.

Amendment 36
(Amendments which were adopted pursuant to Article 59 of the Convention and
which entered into force on 1 September 2021)

Amendment proposal to the TIR convention, 1975
adopted by the
Administrative Committee for the TIR Convention
on 18 February 2020

Article 1, new paragraph (s)

‘(s) The term ‘eTIR procedure’ shall mean the TIR procedure, implemented by means of electronic exchange of data, providing the functional equivalent to the TIR Carnet. Whereas the provisions of the TIR Convention apply, the specifics of the eTIR procedure are defined in Annex 11.’

1bis. Article 3 (b)

‘(b) the transport operations must be guaranteed by associations authorized in accordance with the provisions of Article 6. They must be performed under cover of a TIR Carnet, which shall conform to the model reproduced in Annex 1 to this Convention or be carried out by the eTIR procedure.’

Article 43

‘The Explanatory Notes set out in Annex 6, Annex 7, Part III, and Annex 11, Part II interpret certain provisions of this Convention and its Annexes. They also describe certain recommended practices’

New Article 58 quater

‘Technical Implementation Body

A Technical Implementation Body shall be established. Its composition, functions and rules of procedure are set out in Annex 11.’

Article 59

‘1. This Convention, including its Annexes, may be amended upon the proposal of a Contracting Party by the procedure specified in this Article.

2. Except as provided for under Articles 60 bis, any proposed amendment to this Convention shall be considered by the Administrative Committee composed of all the Contracting Parties in accordance with the rules of procedure set out in Annex 8. Any such amendment considered or prepared during the meeting of the Administrative Committee and adopted by it by a two-thirds majority of the members present and voting shall be communicated by the Secretary-General of the United Nations to the Contracting Parties for their acceptance.

3. Except as provided for under Articles 60 and 60 bis, any proposed amendment communicated in accordance with the preceding paragraph shall come into force with respect to all Contracting Parties three months after the expiry of a period of twelve months following the date of communication of the proposed amendment during which period no objection to the proposed amendment has been communicated to the Secretary-General of the United Nations by a State which is a Contracting Party.

4. If an objection to the proposed amendment has been communicated in accordance with paragraph 3 of this Article, the amendment shall be deemed not to have been accepted and shall have no effect whatsoever.'

New Article 60 bis

'Special procedure for the entry into force of Annex 11 and amendments thereto

1. Annex 11, considered in accordance with paragraphs 1 and 2 of Article 59 shall come into force with respect to all Contracting Parties three months after the expiry of a period of twelve months following the date of communication by the Secretary-General of the United Nations to the Contracting Parties, except for those Contracting Parties that have notified the Secretary-General in writing, within the aforementioned period of three months of their non-acceptance of Annex 11. Annex 11 shall enter into force for Contracting Parties which withdraw their notification of non-acceptance six months after the date on which withdrawal of such notification has been received by the depositary.

2. Any proposed amendment to Annex 11 shall be considered by the Administrative Committee. Such amendments shall be adopted by a majority of the Contracting Parties bound by Annex 11 present and voting.

3. Amendments to Annex 11 considered and adopted in accordance with paragraph 2 of this Article shall be communicated by the Secretary-General of the United Nations to all Contracting Parties for information or, for those Contracting Parties bound by Annex 11, acceptance.

4. The date of entry into force of such amendments shall be determined at the time of their adoption, by a majority of the Contracting Parties bound by Annex 11 present and voting.

5. Amendments shall enter into force in accordance with paragraph 4 of this Article unless by a prior date determined at the time of adoption, one-fifth or five of the States which are Contracting Parties bound by Annex 11, whichever number is less, notify the Secretary-General of their objection to the amendments.

6. On entry into force, any amendment adopted in accordance with the procedures set out in paragraphs 2 to 5 of this Article shall for all Contracting Parties bound by Annex 11 replace and supersede any previous provisions to which the amendment refers.'

Article 61

'The Secretary-General of the United Nations shall inform all Contracting Parties and all States referred to in Article 52, paragraph 1 of this Convention of any request, communication, or objection under Articles 59, 60 and 60 bis above and of the date on which any amendment enters into force.'

Annex 9, Part I, paragraph 3, new subparagraph (xi)

'(xi) confirm, in case of a fallback procedure described in Article 10, paragraph 2 of Annex 11, for Contracting Parties bound by Annex 11, upon request of the competent authorities, that the guarantee is valid, that a TIR transport is carried out under the eTIR procedure and provide other information relevant to the TIR transport.'

Annex 11

'PART I

Article 1

Scope of application

1. The provisions in this Annex govern the implementation of the eTIR procedure as defined in Article 1, paragraph (s) of the Convention and shall apply in the relations between Contracting Parties bound by this Annex, as provided for in Article 60 bis, paragraph 1.
2. The eTIR procedure cannot be used for transports taking place in part in the territory of a Contracting Party, that is not bound by Annex 11 and that is a member State of a customs or economic union with a single customs territory.

Article 2

Definitions

For the purposes of this Annex:

- (a) The term 'eTIR international system' shall mean the Information and Communication Technology (ICT) system devised to enable the exchange of electronic information between the actors involved in the eTIR procedure.
- (b) The term 'eTIR specifications' shall mean the conceptual, functional and technical specifications of the eTIR procedure adopted and amended in accordance with the provisions of Article 5 of this Annex.
- (c) The term 'advance TIR data' shall mean the data submitted to the competent authorities of the country of departure, in accordance with the eTIR specifications, of the intention of the holder to place goods under the eTIR procedure.
- (d) The term 'advance amendment data' shall mean the data submitted to the competent authorities of the country in which an amendment to the declaration data is requested, in accordance with the eTIR specifications, of the intention of the holder to amend the declaration data.
- (e) The term 'declaration data' shall mean the advance TIR data and the advance amendment data which have been accepted by the competent authorities.
- (f) The term 'declaration' shall mean the act whereby the holder, or his or her representative, indicates, in accordance with the eTIR specifications, the intent to place goods under the eTIR procedure. From the moment of acceptance of the declaration by the competent authorities, based on the advance TIR data or the advance amendment data, and the transfer of the declaration data to the eTIR international system it shall constitute the legal equivalent of an accepted TIR Carnet.
- (g) The term 'accompanying document' shall mean the printed document electronically generated by the customs system, after the acceptance of the declaration, in line with the guidelines contained in the eTIR technical specifications. The accompanying document can be used to record incidents en route and replaces the certified report pursuant to Article 25 of this Convention and for the fallback procedure.
- (h) The term 'authentication' shall mean an electronic process that enables the electronic identification of a natural or legal person, or the origin and integrity of data in electronic form to be confirmed.

Article 3

Implementation of the eTIR procedure

1. Contracting Parties bound by Annex 11 shall connect their customs systems to the eTIR international system in line with the eTIR specifications.
2. Each Contracting Party is free to establish by which date it connects its customs systems to the eTIR international system. The date of connection shall be communicated to all other Contracting Parties bound by Annex 11 at least six months prior to the effective date of connection.

Article 4

Composition, functions and rules of procedure of the Technical Implementation Body

1. The Contracting Parties bound by Annex 11 shall be members of the Technical Implementation Body. Its sessions shall be convened at regular intervals or at the request of the Administrative Committee, as required for the maintenance of the eTIR specifications. The Administrative Committee shall be regularly informed of the activities and considerations of the Technical Implementation Body.
2. Contracting Parties which have not accepted Annex 11 as provided for in Article 60 bis, paragraph 1 and representatives of international organizations may attend sessions of the Technical Implementation Body as observers.
3. The Technical Implementation Body shall monitor the technical and functional aspects of implementing the eTIR procedure, as well as coordinate and foster the exchange of information on matters falling within its competence.
4. The Technical Implementation Body shall, at its first session, adopt its rules of procedure and submit them to the Administrative Committee for endorsement by the Contracting Parties bound by Annex 11.

Article 5

Adoption and amendment procedures for the eTIR specifications

The Technical Implementation Body shall:

- (a) adopt the technical specifications of the eTIR procedure, and amendments there to, to ensure their alignment with the functional specifications of the eTIR procedure. At the time of adoption, it shall decide on the appropriate transitional period for their implementation.
- (b) prepare the functional specifications of the eTIR procedure, and amendments there to, to ensure their alignment with the conceptual specifications of the eTIR procedure. They shall be transmitted to the Administrative Committee for adoption by a majority of Contracting Parties bound by Annex 11 present and voting as well as implemented and, when required, developed into technical specifications at a date to be determined at the time of adoption.

- (c) consider amendments to the conceptual specifications of the eTIR procedure if so requested by the Administrative Committee. The conceptual specifications of the eTIR procedure, and amendments there to, shall be adopted by a majority of Contracting Parties bound by Annex 11 present and voting as well as implemented and, when required, developed into functional specification at a date to be determined at the time of adoption.

Article 6

Submission of advance TIR data and advance amendment data

1. Advance TIR data and advance amendment data shall be submitted by the holder, or his or her representative, to the competent authorities of the country of departure and of the country in which an amendment to the declaration data is requested. Once the declaration, or the amendment, has been accepted in line with national law, the competent authorities shall forward the declaration data, or the amendment there to, to the eTIR international system.
2. Advance TIR data and advance amendment data mentioned in paragraph 1 may be submitted either directly to the competent authorities or via the eTIR international system.
3. Contracting Parties bound by Annex 11 shall accept the submission of advance TIR data and advance amendment data via the eTIR international system.
4. The competent authorities shall publish the list of all electronic means by which advance TIR data and advance amendment data can be submitted.

Article 7

Authentication

1. While accepting the declaration in the country of departure or an amendment to the declaration data in any country along the itinerary, competent authorities shall authenticate the advance TIR data, or the advance amendment data, and the holder, in accordance with national law.
2. Contracting Parties bound by Annex 11 shall accept the authentication of the holder performed by the eTIR international system.
3. The competent authorities shall publish a list of authentication mechanisms other than that specified in paragraph 2 of the present Article that may be used for authentication.
4. Contracting Parties bound by Annex 11 shall accept the declaration data received from the competent authorities of the country of departure and of the country in which an amendment to the declaration data is requested via the eTIR international system as the legal equivalent to an accepted TIR Carnet.

Article 8

Mutual recognition of the authentication of the holder

The authentication of the holder performed by the competent authorities of the Contracting Parties

bound by Annex 11 which accept the declaration, or changes to the declaration data, shall be recognized by the competent authorities of all subsequent Contracting Parties bound by Annex 11 throughout the TIR transport.

Article 9

Additional data requirements

1. In addition to the data specified in the functional and technical specifications, competent authorities may request additional data stipulated by national legislation.
2. Competent authorities should, to the extent possible, limit data requirements to those contained in the functional and technical specifications and endeavor to facilitate the submission of additional data so as not to impede TIR transports carried out in accordance with this Annex.

Article 10

Fallback procedure

1. Where the eTIR procedure cannot be started for technical reasons at the customs office of departure, the TIR Carnet holder may revert to the TIR procedure.
2. Where an eTIR procedure has started but its continuation is impeded for technical reasons, the competent authorities shall accept the accompanying document and process it in line with the procedure described in the eTIR specifications, subject to the availability of additional information from alternative electronic systems as described in the functional and technical specifications.
3. The competent authorities of Contracting Parties are also entitled to request national guaranteeing associations to confirm that the guarantee is valid, that a TIR transport is carried out under the eTIR procedure and provide other information relevant to the TIR transport.
4. The procedure described in paragraph 3 shall be established in the agreement between the competent authorities and the national guaranteeing association, as stipulated by Annex 9, Part I, paragraph 1 (d).

Article 11

Hosting of the eTIR international system

1. The eTIR international system shall be hosted and administered under the auspices of the United Nations Economic Commission for Europe (ECE).
2. ECE shall assist countries in connecting their customs systems to the eTIR international system, including by means of conformance tests to ensure their proper functioning prior to the operational connection.
3. The necessary resources shall be made available to ECE to fulfil the obligations set forth in paragraphs 1 and 2 of this Article. Unless the eTIR international system is financed by resources from the United Nations regular budget, the required resources shall be subject to the financial rules and regulations for extrabudgetary funds and projects of the United Nations. The financing mechanism for the operation of the eTIR international system at ECE shall be decided on and approved by the Administrative Committee.

Article 12

Administration of the eTIR international system

1. ECE shall make the appropriate arrangements for the storage and archiving of the data in the eTIR international system for a minimum period of 10 years.
2. All data stored in the eTIR international system may be used by ECE on behalf of the competent bodies of this Convention for the purpose of extracting aggregated statistics.
3. The competent authorities of Contracting Parties in whose territory a TIR transport is carried out under the eTIR procedure which becomes the subject of administrative or legal proceedings concerning the payment obligation of the person or persons directly liable or of the national guaranteeing association, may request ECE and obtain information stored in the eTIR international system pertaining to the claim in dispute for verification purposes. This information may be produced as evidence in national administrative or legal proceedings.
4. In cases other than those specified in this Article, the dissemination or disclosure of information stored in the eTIR international system to non-authorized persons or entities shall be prohibited.

Article 13

Publication of the customs offices capable of handling eTIR

The competent authorities shall ensure that the list of customs offices of departure, customs offices en route and customs offices of destination approved for accomplishing TIR operations under the eTIR procedure, is at all times accurate and updated in the electronic database for approved customs offices, developed and maintained by the TIR Executive Board.

Article 14

Legal requirements for data submission under Annex 10 of the TIR Convention

The legal requirements for data submission, as set out in Annex 10, paragraph 1, 3 and 4 of this Convention, are deemed to be fulfilled by implementing the eTIR procedure.'

Annex 11

'PART II

Explanatory Notes to Annex 11, Article 2 (h)

11.2 (h)-1 Until a harmonized approach has been established and described in the eTIR specifications, Contracting Parties bound by Annex 11 may authenticate the holder with any process provided for in their national law, including, but not limited to, user name/password or electronic signatures.

11.2. (h)-2 The integrity of the data exchanged between the eTIR international system and the competent authorities as well as the authentication of the Information and Communication Technology (ICT) systems will be ensured by means of secure connections, as defined in the eTIR technical specifications.

Explanatory Note to Annex 11, Article 3, paragraph 2

11.3.2 Contracting Parties bound by Annex 11 are recommended to have their national customs system updated and its connection with the eTIR international system ensured as soon as Annex 11 enters into force for them. Customs or economic unions may decide on a later date, allowing

them time to connect the national customs systems of all their member States to the eTIR international system.

Explanatory Note to Annex 11, Article 6, paragraph 3

11.6.3 Contracting Parties bound by Annex 11 are recommended to recognize, in as far as possible, the submission of advance TIR data and advance amendment data by the methods indicated in the functional and technical specifications.

Explanatory Note to Annex 11, Article 7, paragraph 2

11.7.2 The eTIR international system ensures, by means described in the eTIR specifications, the integrity of the advance TIR data, or the advance amendment data, and that the data were sent by the holder.

Explanatory Note to Annex 11, Article 7, paragraph 4

11.7.4 The eTIR international system ensures, by means described in the eTIR specifications, the integrity of the declaration data and that the data were sent by the competent authorities of the countries involved in the transport.

Explanatory Note to Annex 11, Article 8

11.8 The eTIR international system ensures, by means described in the eTIR specifications, the integrity of the declaration data, including the reference to the holder, authenticated by the competent authorities that accept the declaration, received from and transmitted to competent authorities.

Explanatory Note to Annex 11, Article 11, paragraph 3

11.11.3 If necessary, Contracting Parties may decide to finance the operational costs of the eTIR international system through an amount per TIR transport. In such cases, Contracting Parties shall decide on the appropriate time to introduce alternative financing mechanisms and on their modalities. The required budget shall be prepared by ECE, reviewed by the Technical Implementation Body and approved by the Administrative Committee.'

Amendment 37
(Amendments which were adopted pursuant to Article 60 of the
Convention and which entered into force on 1 June 2021)

Amendment proposal to the TIR convention, 1975
adopted by the
Administrative Committee for the TIR Convention
on 14-15 October 2020

Annex 6, Explanatory Note to Article 49

Add a new Explanatory Note to Article 49 to read as follows:

0.49 Contracting Parties may grant, in line with national legislation, duly authorized persons greater facilities in the application of the provisions of the Convention. The conditions prescribed by the competent authorities upon granting such facilities should, at least, include the application of information and communication technologies to ensure the good conduct of the TIR procedure, the exemption to produce goods, road vehicle, the combination of vehicles or the container with the TIR Carnet at the Customs offices of departure or destination, as well as instructions for duly authorized persons to perform specific duties entrusted pursuant to the TIR Convention to customs authorities, such as, in particular, the filling in and stamping of the TIR Carnet and the affixing or checking of customs seals. Duly authorized persons who have been granted any greater facility should put in place a system of record-keeping, enabling customs authorities to carry out effective customs control as well as to supervise the procedure and carry out random controls. Greater facilities should be granted without prejudice to the liability of TIR Carnet holders as stipulated by Article 11, paragraph 2 of the Convention.

Amendment 38
(Amendments which were adopted pursuant to Article 60 of the
Convention and which entered into force on 4 February 2022)

Amendment proposal to the TIR convention, 1975
adopted by the
Administrative Committee for the TIR Convention
on 14-15 October 2020

1. Article 6, paragraph 1

For Each substitute The customs authorities or other competent authorities of a Contracting Party may

2. Article 20, line 1

For the existing text substitute For journeys in the territory of a Contracting Party or several Contracting Parties forming a customs or economic union, the competent customs authorities

3. Article 38, paragraph 2, first line

For within one week substitute without delay

4. Annex 6, Explanatory Note to Article 6, paragraph 2

For country may approve substitute Contracting Party may authorize

5. Annex 6, Explanatory Note to Article 8, paragraph 3, end of paragraph

For \$US 200,000 substitute 400,000 euros

6. Annex 6, Explanatory Note to Article 38, paragraph 2, third line

For is deemed to substitute shall

7. Annex 6, Explanatory Notes to Article 45

Add a new Explanatory Note 0.45-1 to Article 45 to read as follows:

0.45-1 The legal provision to publish the list of the customs offices of departure, customs offices en route and customs offices of destination, approved for accomplishing TIR operations is also deemed to be fulfilled by means of the proper use of electronic applications developed to this end by the TIR secretariat under the supervision of the TIR Executive Board.

Renumber existing Explanatory Note 0.45-1 to become 0.45-2

8. Annex 6, Explanatory Note to Annex 9, Part II, paragraph 4

For the legal requirements for data submission, as set out in paragraph 4, are deemed to be fulfilled substitute Data, as set out in paragraph 4, shall be transmitted

9. Annex 9, Part I, paragraph 1

For Contracting Parties substitute customs authorities or other competent authorities of a Contracting Party

10. Annex 9, Part II, paragraph 4, first line

For within one week substitute without delay

11. Annex 9, Part II, paragraph 4, end of paragraph

For in conformity with the specimen authorization attached (MAF).

substitute, including:

(a) Individual and unique identification (ID) number assigned to the person by the guaranteeing association, in cooperation with the international organization to which it is affiliated, in accordance with the harmonized format determined by the Administrative Committee;

(b) Name(s) and address(es) of the person(s) or enterprise, for a business association, also the names of responsible managers;

(c) Contact person with complete contact information; and

(d) Commercial registration number or international transport licence number or other (if available).

12. Annex 9, Part II, paragraph 5

For the existing text substitute The associations shall transmit any change in the particulars of authorized persons without delay from the moment they become aware of it to the competent authorities and the TIR Executive Board.

13. Annex 9, Part II, Model Authorization Form (MAF)

Remove MAF attached to Annex 9 Part II and the accompanying text.

Amendment 39
(Amendments which were adopted pursuant to Article 59 of the
Convention and which entered into force on 25 June 2022)

Amendment proposal to the TIR convention, 1975
adopted by the
Administrative Committee for the TIR Convention
on 9-11 February 2021

1. Article 18, line 32

For four substitute eight

Add a new paragraph to read Customs authorities may limit the maximum number of customs offices of departure (or destination) on their territory to less than seven but not less than three.

2. Annex 1, VERSION 1, Page 2 of cover: Model of the TIR Carnet, No. 5 of the “règles relatives à l'utilisation du carnet TIR”

For quatre substitute huit

3. Annex 1, VERSION 1, Page 3 of cover: Model of the TIR Carnet Version 1, No. 5 of the rules regarding the use of the TIR Carnet

For four substitute eight

4. Annex 1, VERSION 1, Page 5 (white) of the model of the TIR Carnet, Voucher No. 1

For the existing Voucher No. 1 substitute

5. Annex 1, VERSION 1, Page 6 (green) of the model of the TIR Carnet Version 1, Voucher No. 2

For the existing Voucher No. 2 substitute

6. Annex 1, VERSION 2, Page 2 of cover: Model of the TIR Carnet, No. 5 of the “règles relatives à l'utilisation du carnet TIR”

For quatre substitute huit

7. Annex 1, VERSION 2, Page 3 of cover: Model of the TIR Carnet Version 1, No. 5 of the rules regarding the use of the TIR Carnet

For four substitute eight

8. Annex 1, VERSION 2, Page 12 (white) of the model of the TIR Carnet, Voucher No. 1

For the existing Voucher No. 1 substitute

9. Annex 1, VERSION 2, Page 13 (green) of the model of the TIR Carnet, Voucher No. 2

For the existing Voucher No. 2 substitute

10. Annex 6, new Explanatory Note to Article 18

Add new Explanatory Note 0.18.3 to read

0.18.3 Contracting Parties shall make information on such limitations publicly available and inform the TIR Executive Board, including by means of the proper use of electronic applications developed to this end by the TIR secretariat under the supervision of the TIR Executive Board.

Dopune 23

(Dopune koje su usvojene u skladu sa članom 60.
Konvencije i koje su stupile na snagu 7. novembra 2003. godine)

PREDLOŽENA DOPUNA TIR KONVENCIJE, 1975
usvojena od strane Administrativnog odbora za Konvenciju TIR, 1975
25. oktobra 2002. godine

Dodatak 6, Objašnjenje 0.38.1 uz član 38, stav 1:
Izbrisati Objašnjenje 0.38.1.

PREDLOŽENA DOPUNA TIR KONVENCIJE, 1975
usvojena od strane
Administrativnog odbora za Konvenciju TIR, 1975
7. februara 2003. godine

Dodatak 6, Objašnjenje 2.2.1 (b) člana 2, stav 1 (b) Aneksa 2:

Dodaje se novi podstav (f) u 2.2.1 (b):

“(f) U slučajevima kada je za carinsko osiguranje potrebno više od jedne carinske plombe plombiranja, broj takvih plombi mora biti naveden u Potvrdi o odobrenju pod tačkom 5 (Aneks 4 TIR konvencije, 1975.). Skica ili fotografije drumskog vozila moraju biti priložene uz potvrdu o odobrenju koja pokazuje tačnu lokaciju carinskih plombi.”

Dopuna 24

(Dopuna koja je usvojena u skladu sa članom 59.
Konvencije i koja je stupila na snagu 19. septembra 2004. godine)

PREDLOŽENA DOPUNA TIR KONVENCIJE, 1975

usvojena od strane Administrativnog odbora za Konvenciju TIR, 1975. 26. oktobra
2001. godine

Član 26, stav 1:

Na kraju pasusa dodaje se nova rečenica koja glasi:

„U slučaju da carinske plombe nisu ostale netaknute, carinski organ može prihvatiti
TIR karnet za nastavak TIR transporta prema odredbama člana 25.“

Izmjene i dopuna 25

(Izmjene i dopuna koje su usvojene u skladu sa članom 59.
Konvencije i koje su stupile na snagu 1. oktobra 2005. godine)

PREDLOŽENA DOPUNA TIR KONVENCIJE, 1975

usvojena od strane Administrativnog odbora za Konvenciju TIR, 1975.
26. septembra 2003. godine

Aneks 6, novo objašnjenje 0.1 (b)

Članu 1 (b) TIR Konvencije dodaje se novo objašnjenje koje glasi:

"0.1 (b) Član 1 (b) podrazumijeva da, kada se nekoliko polaznih ili odredišnih carinskih ispostava nalazi u jednoj ili više zemalja, može postojati više od jedne TIR operacije u ugovornoj strani. Pod ovim okolnostima nacionalni dio TIR prevoza koji se obavlja između dvije uzastopne carinske ispostave, bez obzira da li su polazne, odredišne ili tranzitne, može se smatrati TIR operacijom."

PREDLOŽENE IZMJENE TIR KONVENCIJE, 1975

usvojene od strane Administrativnog odbora za Konvenciju TIR, 1975.
15. oktobra 2004. godine

Aneks 2, član 3, stavovi 9 i 10

Prva dva stava Aneksa 2, člana 3, stav 9 mijenjaju se sljedećim tekstom:

„9 Koriste se sljedeća pričvršćivanja;

(a) čelična užad prečnika najmanje 3 mm; ili

(b) užad od konoplje ili sisala prečnika najmanje 8 mm umotane u prozirni omotač od nerastezljive plastike; ili

(c) užad koja se sastoji od serija optičkih vlakana unutar spiralno namotanog čeličnog kućišta umotanog u prozirni omotač od nerastezljive plastike; ili

(d) užad koja se sastoji od tekstilne vrpce okružene s najmanje četiri niti koja se sastoje isključivo od čelične žice i potpuno pokrivaju jezgro, pod uslovom da užad (bez uzimanja u obzir prozirnog omotača, ako ga ima) nisu manja od 3 mm u prečniku.

Užad u skladu sa stavom 9 (a) ili (d) ovog člana mogu imati prozirni omotač od nerastezljive plastike."

Aneks 2, član 3, stav 10 mijenja se sljedećim tekstom:

„10 Svaka vrsta užeta mora biti u jednom komadu i na svakom kraju ima završni komad od tvrdog metala. Svaki metalni završni komad omogućava uvođenje konca ili trake carinske plombe. Pričvršćivač svakog metalnog kraja užadi u skladu sa odredbama stava 9 (a), (b) i (d) ovog člana uključuje šuplji zakivak koji prolazi kroz uže kako bi se omogućilo uvođenje konca ili kaiša carinske plombe. Uže mora ostati vidljivo sa obje strane šupljeg zakivka tako da je moguće osigurati da je uže u jednom komadu (vidi skicu br. 5 priloženu ovom propisu)."

Aneks 6, Objašnjenje 2.3.9

Briše se objašnjenje Aneksa 2, Član 3, stav 9 (Čelična užad za pričvršćivanje s tekstilnim jezgrom)

Aneks 7, dio I, član 4, stavovi 9 i 10

Prva dva stava Aneks 7, Dio I, Član 4, stav 9, mijenjaju se sljedećim tekstom:

„9 Koriste se sljedeća pričvršćivanja;

(a) čelična užad prečnika najmanje 3 mm; ili

(b) užad od konoplje ili sisala prečnika najmanje 8 mm umotane u prozirni omotač od nerastezljive plastike; ili

(c) užad koja se sastoji od serija optičkih vlakana unutar spiralno namotanog čeličnog kućišta umotanog u prozirni omotač od nerastezljive plastike; ili

(d) užad koja se sastoji od tekstilne vrpce okružene s najmanje četiri niti koja se sastoje isključivo od čelične žice i potpuno pokrivaju jezgro, pod uslovom da užad (bez uzimanja u obzir prozirnog omotača, ako ga ima) nisu manja od 3 mm u prečnika.

Užad u skladu sa stavom 9 (a) ili (d) ovog člana mogu imati prozirni omotač od nerastezljive plastike.”

Aneks 7, dio I, član 4, stav 10 mijenja se sljedećim tekstom:

„10 Svaka vrsta užeta mora biti u jednom komadu i na svakom kraju ima završni komad od tvrdog metala. Svaki metalni završni komad omogućava uvođenje konca ili trake carinske plombe. Pričvršćivač svakog metalnog kraja užadi u skladu sa odredbama stava 9 (a), (b) i (d) ovog člana uključuje šuplji zakivak koji prolazi kroz uže kako bi se omogućilo uvođenje konca ili kaiš carinske plombe. Uže mora ostati vidljivo sa obje strane šupljeg zakivka tako da je moguće osigurati da je uže u jednom komadu (vidi skicu br. 5 priloženu ovom propisu).“

Izmjene 26

(Izmjene koje su usvojene u skladu sa članom 59.
Konvencije i koje su stupile na snagu 1. aprila 2006. godine)

PREDLOŽENE IZMJENE TIR KONVENCIJE, 1975

usvojene od strane

Administrativnog odbora za Konvenciju TIR

3. februara 2005. godine

Aneks 1 Konvencije

Model TIR karneta: VERZIJA 1 i VERZIJA 2

Izmjena

- Strana 1, rubrika 3 "(naziv, adresa, plaća/ime, adresa, država)" da glasi: "(matični broj, naziv, adresa, plaća/identifikacioni broj, ime, adresa, država) "
- Vaučer br. 1 i vaučer br. 2, rubrika 4 "(naziv, adresa i država)" da glasi: "(matični broj, naziv, adresa i država)"
- Ovjereni izvještaj, rubrika 5 "Nosilac karneta" da glasi: "Nosilac karneta (matični broj, ime, adresa i država)"

Aneks 9 Konvencije, dio II

Izmijeniti Model obrasca ovlašćenja (MAF), drugi stav, prva alineja ispod tabele da bi glasio kako slijedi:

- "- Individualni i jedinstveni identifikacioni (ID) broj koji licu dodjeljuje garantno udruženje (u saradnji sa međunarodnom organizacijom s kojom je povezano) u skladu sa usaglašenim formatom. Format ID-broja utvrđuje Administrativni odbor."

Izmjene i dopune 27

(Izmjene i dopune koje su usvojene u skladu sa članom 59. Konvencije i
koje su stupile na snagu 12. avgusta 2006. godine)

PREDLOŽENE IZMJENE I DOPUNE TIR KONVENCIJE, 1975

usvojene
od strane Administrativnog odbora za Konvenciju TIR
4. februara 2005. godine

Novi član 42 ter

Dodaje se novi član 42 ter koji glasi:

„Član 42 ter

Nadležni organi ugovornih strana će, prema potrebi, dati ovlaštenim udruženjima informacije koje su im potrebne da ispune obavezu datu u skladu sa Aneksom 9, Dio I, član 1 (f) (iii).

Aneks 10 navodi informacije koje treba dostaviti u posebnim slučajevima.”

Član 60

Izmijeniti naslov člana 60. kao i stav 1. tako da glasi:

„Član 60.

Posebna procedura za izmjene i dopune Aneksa 1, 2, 3, 4, 5, 6, 7, 8, 9 i 10

1. Svaki predloženi amandman na Aneks 1, 2, 3, 4, 5, 6, 7, 8, 9 i 10 koji se razmatra u skladu sa stavovima 1. i 2. člana 59. stupa na snagu na dan koji odredi Administrativni odbor. Odbor u trenutku njegovog usvajanja, osim ako do prethodnog datuma koji istovremeno odredi Administrativni odbor, jedna petina ili pet država koje su ugovorne strane, koji god broj je manji, obavještava generalnog sekretara Ujedinjenih nacija o njihovom prigovoru na amandman. Administrativni odbor utvrđuje datume iz ovog stava dvotrećinskom većinom prisutnih i koji glasaju.”

Novi Aneks 10

Dodaje se novi Aneks 10 Konvenciji koji glasi kako slijedi:

“Aneks 10

INFORMACIJE KOJE SU UGOVORNE STRANE OBAVEZNE DA DAJU OVLAŠĆENIM UDRUŽENJIMA (PREMA ČLANU 42TER) I MEĐUNARODNOJ ORGANIZACIJI (PREMA ČLANU 6.2BIS)

Na osnovu člana 6, stav 1 i Aneksa 9, dio I, stav 1 (f) (iii) ove Konvencije, ovlaštena udruženja su dužna da se obavežu da će kontinuirano provjeravati da lica ovlaštena za korišćenje TIR postupka ispunjavaju minimalne uslove i zahtjeve kako je utvrđeno u Aneksu 9, Dio II Konvencije.

U ime svojih udruženja članica i u ispunjavanju svojih obaveza kao međunarodne organizacije ovlaštene prema članu 6. stav 2. bis, međunarodna organizacija će uspostaviti sistem kontrole za TIR karnete za čuvanje podataka, koje prenose carinski organi i koji je dostupan udruženjima i carinskoj administraciji o prestanku rada TIR-a u odredišnim carinskim ispostavama. Kako bi se omogućilo udruženjima da efikasno ispune svoje obaveze, ugovorne strane će obezbijediti informacije kontrolnom sistemu u skladu sa sljedećim postupkom:

(1) Carinski organi dostavljaju međunarodnoj organizaciji ili nacionalnim udruženjima garanata, najbržim dostupnim sredstvima komunikacije (faks, elektronska pošta i sl.) i po mogućnosti svakodnevno, sljedeće informacije u standardnom formatu u vezi sa svim TIR karnetima predstavljenim odredišnim carinskim ispostavama, kako je definisano u članu 1 (l) Konvencije:

(a) Referentni broj TIR karneta;

(b) Datum i broj u carinskoj evidenciji;

(c) Naziv ili broj odredišne carinske ispostave;

(d) Datum i referentni broj naveden u potvrdi o prestanku TIR operacije (rubrika 24-28 vaučera br. 2) u odredišnoj carinskoj ispostavi (ako se razlikuje od (b));

(e) Djelimičan ili konačni raskid;

(f) Prestanak TIR operacije ovjerene sa ili bez rezervacije u odredišnoj carinskoj ispostavi bez dovođenja u pitanje članova 8. i 11. Konvencije;

(g) Druge informacije ili dokumenti (opciono);

(h) Broj stranice.

(2) Model obrasca za sravnjivanje podataka (MRF) koji se nalazi u Aneksu, carinskim organima mogu uputiti nacionalna udruženja ili međunarodna organizacija:

(a) u slučaju neslaganja između prenesenih podataka i podataka na talonima u korišćenom TIR karnetu; ili

(b) u slučaju da nisu proslijeđeni nikakvi podaci, a korišćeni TIR karnet je vraćen nacionalnom udruženju.

Carinski organi će po mogućnosti odgovoriti na zahtjeve za sravnjivanje podataka vraćanjem uredno popunjen MRF u najkraćem roku.

(3) Carinski organi i nacionalna udruženja garanata zaključuju sporazum, u skladu sa nacionalnim pravom, kojim se reguliše razmjena podataka.

(4) Međunarodna organizacija daje carinskim organima pristup bazi podataka poništenih TIR karneta i bazi podataka nevažećih TIR karneta.

DODATAK

Uzorak obrasca za sravnjivanje podataka (MRF)	
<i>Popunjava lice koje zahtijeva sravnjivanje podataka</i>	
Odredište:	
Regionalna carinska ispostava (opciono): Odredišna carinska ispostava:	
Naziv:	Naziv:
Primljeno:	Primljeno:
Datum:	Datum:
Pečat	Pečat

Podaci koje treba potvrditi							
Izvor podataka		☐ TIR Karnet		☐ Podaci sistema upravljanja			
Broj isprave za TIR Karnet	Naziv ili šifra odredišne carinske ispostave*	Broj koji je naveden u potvrđeno okoćanju TIR operacije u odredišnoj carinskoj ispostavi (rub.24-28 kupona br.2)*	Datum koji je naveden u potvrđeno okoćanju TIR operacije u odredišnoj carinskoj ispostavi*	Broj stranice	Djelimično/konačno okoćanje	Okončanje TIR operacije u odredišnoj carinskoj ispostavi, uz rezervu / bez rezerve	Broj pakovanja (opciono)
Prilozi:		Kopija talona isprave za TIR Karnet			Drugo: _____		
Odgovor odredišne carinske ispostave							
☐ Potvrda		☐ Ispravka		☐ Nema podataka o razduženju			
		(unesite ispravke u donja polja)		isprave za TIR karnet			
Broj isprave za TIR Karnet	Naziv ili šifra odredišne carinske ispostave*	Broj koji je naveden u potvrđeno okoćanju TIR operacije u odredišnoj carinskoj ispostavi (rub.24-28 kupona br.2)*	Datum koji je naveden u potvrđeno okoćanju TIR operacije u odredišnoj carinskoj ispostavi*	Broj stranice	Djelimično/konačno razduženje	Okončanje TIR operacije u odredišnoj carinskoj ispostavi, uz rezervu / bez rezerve	Broj pakovanja (opciono)
Komentari:							
Datum:		Pečat i potpis Odredišne carinske ispostave:					
<i>Uprava carina (opciono)</i>							
Komentari:							
Datum:		Pečat i/ili potpis					

*Napominjemo da se ovi podaci odnose na odredišnu carinsku ispostavu u kojoj je prekinuto TIR kretanje."

PREDLOŽENA IZMJENA I DOPUNE TIR KONVENCIJE, 1975

usvojene
od strane Administrativnog odbora za Konvenciju TIR
7. oktobra 2005. godine

Aneks 6, Objašnjenje 0.6.2 bis

Promijeniti broj postojećeg objašnjenja 0.6.2 bis TIR Konvencije u 0.6.2 bis-1.

Dodaje se novo objašnjenje 0.6.2 bis-2 u član 6.2 bis TIR Konvencije, koje glasi:

“0.6.2 bis-2 Odobrenje izdato u skladu sa članom 6.2 bis ogleda se u pisanom sporazumu između UNECE i Međunarodne organizacije. Ugovorom će biti propisano da će Međunarodna organizacija ispuniti relevantne odredbe Konvencije, poštovati nadležnosti ugovornih strana Konvencije i postupati u skladu sa odlukama Administrativnog odbora i zahtjevima Izvršnog odbora TIR-a. Potpisivanjem Sporazuma, Međunarodna organizacija potvrđuje da prihvata odgovornosti propisane odobrenjem. Sporazum se takođe primjenjuje na odgovornosti Međunarodne organizacije navedene u Aneksu 8, član 10 (b), u slučaju da se centralizovano štampanje i distribucija TIR karneta obavljaju od strane gore navedene međunarodne organizacije. Sporazum usvaja Administrativni Odbor.”

Aneks 6, Objašnjenje 8.10 (b)

Dodaje se novo objašnjenje 8.10 (b) u Aneks 8, član 10 (b) TIR Konvencije, koje glasi:

“8.10 (b) Sporazum naveden u Napomeni uz objašnjenje člana 6.2 bis će se takođe primjenjivati na odgovornosti Međunarodne organizacije navedene u (b) od ovog člana, u slučaju da centralizovano štampanje i distribuciju TIR karneta vrši gore pomenuta međunarodna organizacija.”

IZMJENE I DOPUNE 28

(Izmjene i dopune koje su usvojene u skladu sa članom 59. Konvencije i
koje su stupile na snagu 1. januara 2009. godine)

PREDLOŽENE IZMJENE I DOPUNE TIR KONVENCIJE, 1975

usvojene od strane

Administrativnog odbora za Konvenciju TIR

31. januara 2008. godine

Aneks 8, član 13, stav 1

Postojeći tekst mijenja se sljedećim

1. Rad Izvršnog odbora TIR-a i TIR sekretarijata će se finansirati, sve dok se ne pribave alternativni izvori finansiranja, kroz iznos po TIR karnetu koji distribuira međunarodna organizacija kako je navedeno u članu 6. Ovaj iznos će biti odobren od strane Administrativnog odbora.

Aneks 8, član 13, stav 2

Postojeći tekst mijenja se sljedećim

2. Proceduru za sprovođenje finansiranja rada Izvršnog odbora TIR-a i Sekretarijata TIR-a odobrava Administrativni odbor.

Aneks 6, Objašnjenje 8.13.1

Dodaje se novo objašnjenje koje glasi:

8.13.1-3 Iznos

Iznos iz stava 1. zasniva se na (a) budžetu i planu troškova Izvršnog odbora TIR-a i TIR sekretarijata koje je odobrio Administrativni odbor i (b) predviđenog broja TIR karneta koji će se distribuirati osnovani od strane međunarodne organizacije.

Aneks 6, novo objašnjenje 8.13.2

Dodaje se novo objašnjenje koje glasi:

8.13.2 Poslije konsultacija sa međunarodnom organizacijom i kako je navedeno u članu 6, postupak iz stava 2. će se odraziti u sporazumu između UNECE-a, prema mandatu i koji djeluje u ime ugovornih strana, i međunarodne organizacije kako je navedeno u članu 6. Sporazum će biti odobren od strane Administrativnog odbora.

Dopuna 28 BIS

(Dopuna koja je usvojena u skladu sa članom 60. Konvencije i

koja je stupila na snagu 1. oktobra 2009. godine)

PREDLOŽENA DOPUNA TIR KONVENCIJE, 1975

usvojena od strane

Administrativnog odbora za Konvenciju TIR

9. oktobra 2008. godine

U Aneksu 6. unosi se sljedeće Objašnjenje:

„0.3. Član 3.

0.3 (a) (iii)

Odredbe člana 3. tačke (a) stav iii. ne obuhvataju putnička vozila (tarifna oznaka 8703) koja se kreću samostalno. Međutim, putnička vozila se mogu prevoziti u postupku TIR ako se prevoze drugim sredstvima iz člana 3. tačke (a) stavova i. i ii .

IZMJENE I DOPUNE 29

(Izmjene i dopune koje su usvojene u skladu sa članom 60. Konvencije i koje su stupile na snagu 1. januara 2012. godine)

PREDLOŽENE IZMJENE I DOPUNE TIR KONVENCIJE, 1975 usvojene od strane Administrativnog odbora za Konvenciju TIR 3. februara 2011. godine

Aneks 6, Objašnjenje 9.I.1(a):
Objašnjenje se briše

Aneks 9, dio I, naslov:
Na kraju naslova unijeti „I DA POSTUPA KAO GARANT“

Aneks 9, dio I, podnaslov:
Na početku podnaslova briše se „Minimum“

Aneks 9, dio I, stav 1, prvi red:
Briše se „minimum“

Aneks 9, dio I, stav 1 (a):
Za „osnovano udruženje koje zastupa interese transportnog sektora“ pročitati „udruženje osnovano u ugovornoj strani u kojoj je izdato odobrenje“

Aneks 9, dio I, stav 1 (b):
Za "to" čitati "udruženje"

Aneks 9, dio I, stav 1 (c)
Pasus se briše

Aneks 9, dio I, stavovi 1 (d) i (e):
Renumerisati stav 1 (d) i (e) da postane stav 1 (c) i (d)

Aneks 9, dio I, novi stav 1 (d):
Postojeći tekst mijenja se sljedećim
„(d) Uspostavljanje pisanog sporazuma ili bilo kojeg drugog pravnog instrumenta između udruženja i nadležnih organa Ugovorne strane u kojoj je osnovano, uključujući prihvatanje njegovih dužnosti od strane udruženja iz stava 3. ovog člana“.

Aneks 9, dio I, novi stav 1 (d)
Poslije novog stava 1 (d) dodaje se novi stav 2 koji glasi
„2. Ovjerena kopija pisanog sporazuma ili bilo kojeg drugog pravnog instrumenta iz stava 1 (d) zajedno, ako je potrebno, sa ovjerenim prevodom na engleski, francuski ili ruski jezik, podnosi se kod Izvršnog odbora TIR-a. Izvršni odbor TIR-a odmah se obavještava o svim promjenama.“

Aneks 9, dio I, stav 1 (f):

Postojeći tekst stava 1 (f) mijenja se novim stavovima 3 i 4 koji glase

„3. Dužnosti udruženja su da:

- (i) se pridržava obaveza utvrđenih članom 8. Konvencije;
 - (ii) prihvati maksimalnu sumu po TIR karnetu koju su utvrdile ugovorne strane, a koja se može tražiti od udruženja u skladu sa članom 8. stav 3. Konvencije;
 - (iii) kontinuirano provjerava, a posebno, prije nego što zatraži odobrenje za pristup lica TIR postupku, ispunjenost minimalnih uslova i zahtjeva navedenih u Dijelu II ovog Aneksa;
 - (iv) daje svoje garancije za sve obaveze nastale u državi u kojoj je osnovano u vezi sa poslovima pod pokroviteljstvom TIR karneta koje je izdalo samo i od stranih udruženja koja su povezana sa istom međunarodnom organizacijom;
 - (v) izvršava svoje obaveze na zadovoljavajući način nadležnim organima ugovorne strane u kojoj je osnovan sa osiguravajućim društvom, fondom osiguravača ili finansijskom institucijom. Ugovor(i) o osiguranju ili finansijskoj garanciji pokrivaju sve svoje obaveze u vezi sa poslovima pod pokroviteljstvom TIR karneta koje je izdalo samo ili od stranih udruženja koja su povezana sa istom međunarodnom organizacijom;
- Vrijeme za slanje obavještenja o raskidu ugovora o osiguranju ili finansijskoj garanciji ne može biti kraće od vremena za slanje obavještenja o raskidu pisanog sporazuma ili bilo kojeg drugog pravnog instrumenta kako je navedeno u stavu 1 (d). Ovjerena kopija ugovora o osiguranju ili ugovora o finansijskoj garanciji, kao i sve njegove naknadne izmjene, podnose se kod Izvršnog odbora TIR-a, uključujući ovjereni prevod, ako je potrebno, na engleski, francuski ili ruski jezik;
- (vi) dostavlja Izvršnom odboru TIR, godišnje, od 1. marta, cijenu svake vrste TIR karneta koje izdaje;
 - (vii) dozvoli nadležnim organima da provjere sve evidencije i račune koji se vode u vezi sa administracijom postupka TIR;
 - (viii) prihvati postupak za efikasno rješavanje sporova koji nastanu zbog nepravilne ili lažne upotrebe TIR karneta, kad god je to moguće bez obraćanja sudovima;
 - (ix) se striktno pridržava odluka nadležnih organa ugovorne strane u kojoj je osnovano u vezi sa opozivom ili povlačenjem odobrenja u skladu sa članom 6. Konvencije i dijelom II ovog Aneksa ili isključenjem lica u skladu sa članom 38. Konvencije;
 - (x) pristaje da vjerno provodi sve odluke koje su usvojili Administrativni odbor i Izvršni odbor TIR-a u mjeri u kojoj su ih prihvatili nadležni organi ugovorne strane u kojoj je udruženje osnovano.

4. Kada se od garantnog udruženja zatraži, u skladu sa postupkom iz člana 11., da isplati iznose iz člana 8. stavovi 1. i 2., ono će, u skladu sa pisanim sporazumom iz Objašnjenja 0.6. .2 bis-1 do člana 6, stav 2 bis, obavijestiti međunarodnu organizaciju o prijemu zahtjeva.“

Aneks 9, dio I, stavovi 2, 3 i 4:

Renumerisati postojeće stavove 2, 3 i 4 u stavove 5, 6 i 7

Aneks 9, dio I, novi stav 5:

Postojeći tekst mijenja se sljedećim

„5. Ugovorna strana u kojoj je udruženje osnovano će ukinuti odobrenje za izdavanje TIR karneta i da bude garant u slučaju nepoštovanja ovih uslova. Ako ugovorna strana odluči da opozove odobrenje, odluka stupa na snagu najranije tri (3) mjeseca od datuma opoziva.“

Izmjene i dopune 30

(Izmjene i dopune koje su usvojene u skladu sa čl. 59 i 60 Konvencije
i koje su stupile na snagu 13. septembra 2012. godine)

Predložene izmjene i dopune TIR konvencije, 1975
usvojene od strane
Administrativnog odbora za Konvenciju TIR
3. februara 2011. godine

Član 1. tačka (q) red 1.:
Izraz „odobreno” mijenja se s „ovlašćeno”

Član 1. tačka (q) red 2.:
Izraz „osiguravač” mijenja se s „garant”³

Član 1. tačka (q):
Poslije člana 1. tačke (q) dodaje se nova tačka (r) koja glasi:
„(r) izraz ‚međunarodna organizacija’ je organizacija koju je Administrativni odbor ovlastio da preuzme odgovornost za efikasnu organizaciju i funkcionisanje međunarodnog sistema garancija.”

Član 8. Stav 1.:
Stav 1. mijenja se i glasi:
„1. Udruženje garanata obavezuje se da će platiti uvozne i izvozne carine i poreze zajedno s eventualnim zateznim kamatama, dospjele na osnovu carinskih zakona i propisa ugovorne strane u kojoj je utvrđena nepravilnost u vezi s postupkom TIR koja je dovela do potraživanja od udruženja garanata, i to do maksimalnog iznosa preuzete garancije. Ono garantuje, solidarno i posebno s licima koja imaju carinski i poreski dug, za plaćanje tih iznosa.”

Član 8. stav 7.:
Tekst stava 7. briše se.

Član 10. stav 2. red 1.:
Izraz „država” mijenja se s „ugovorna strana”

Član 11. stav 1.:
Stav 1. mijenja se i glasi:
„1. Kada postupak TIR nije okončan, nadležni organi o tome:
(a) obavještavaju nosioca TIR karneta na adresi koju je naveo na TIR karnetu o nezavršenom postupku;
(b) obavještavaju udruženje garanata o nezavršenom postupku.
Nadležni organi obavještavaju udruženje garanata najkasnije godinu dana od datuma prihvatanja TIR karneta od strane tih nadležnih organa ili dvije godine ako je potvrda o završetku TIR postupka krivotvorena ili je dobijena zloupotrebom ili prevarom.”

³ Samo engleski i francuski, u ruskom tekstu postojeći izraz ostaje nepromijenjen.

Član 11. stav 1.:

Poslije stava 1. dodaje se novi stav 2. koji glasi:

„2. Kada iznosi spomenuti u članu 8. stavovima 1. i 2. dospiju na plaćanje, nadležni organi zahtijevaju od lica koja te iznose duguju da ih plate, prije nego što podnesu zahtjev za potraživanje tih iznosa od udruženja garanata.”

Član 11. stav 2:

Stavovi 2. i 3. postaju stavovi 3. i 4.

Član 11. novi stav 3.: Stav 3. mijenja se i glasi:

„3. Zahtjev za plaćanje iznosa iz člana 8. stavovi 1. i 2. podnosi se udruženju garanata najranije tri mjeseca od dana kada je udruženje obaviješteno o tome da postupak nije okončan ili da je potvrda o završetku postupka TIR dobijena zloupotrebom ili prevarom, ali ne kasnije od dvije godine poslije toga dana. Međutim, u slučajevima kada postupci TIR tokom pomenutog razdoblja od dvije godine postanu predmet upravnih ili pravnih postupaka koji se odnose na obavezu plaćanja lica iz stava 2. ovog člana, zahtjev za plaćanje podnosi se unutar jedne godine od datuma stupanja na snagu odluke nadležnih organa ili sudova.”

Član 11. novi stav 4.:

Stav 4. mijenja se i glasi:

„4. Udruženje garanata plaća tražene iznose u razdoblju od tri mjeseca od dana podnošenja zahtjeva za plaćanje.

5. Plaćeni iznosi vraćaju se udruženju garanta ako se u razdoblju od dvije godine od dana podnošenja zahtjeva za plaćanje, nadležnim organima podnese zadovoljavajući dokaz o tome da nije počinjena nepravilnost u vezi s predmetnim TIR postupkom. Rok od dvije godine može se produžiti ako je to u skladu s nacionalnim zakonodavstvom.”

Aneks 6. objašnjenje 0.8.3 red 1:

Izraz „carinski organi” mijenja se s „ugovorne strane”

Aneks 6. objašnjenje 0.8.5 red 1:

Izraz „zahtijeva se garancija” mijenja se sa „zahtjev za plaćanje podnosi se udruženju garanata”

Aneks 6. objašnjenje 0.8.7:

Objašnjenje 0.8.7 briše se.

Aneks 6. objašnjenje 0.10:

Objašnjenje 0.10 postaje objašnjenje 0.10–1

Aneks 6. objašnjenje 0.10-1:

Poslije objašnjenja 0.10–1 unosi se novo objašnjenje 0.10–2 koje glasi:

„0.10–2 Izraz „ili postupak nije završen” uključuje one situacije u kojima je potvrda o završetku postupka krivotvorena.”

Aneks 6. objašnjenje 0.11-1:

Postojeći tekst mijenja se sljedećim:

„0.11–1 Način obavješćavanja pisanim putem zavisi od nacionalnog zakonodavstva.”

Aneks 6. objašnjenje 0.11-2:

Postojeći tekst mijenja se sljedećim:

„0.11–2 Kako bi nadležni organi zahtijevali plaćanje dugovanja od odgovornog lica, oni moraju

poslati zahtjev za plaćanje nosiocu TIR karneta na adresu koju je naveo na karnetu ili, ako on nije dužnik, drugom licu koje je odgovorno u skladu s nacionalnim zakonodavstvom. Zahtjev za plaćanje nosiocu TIR karneta može se kombinovati s obavještenjem iz stava 1. tačke (a) ovog člana.”

Aneks 6. Objašnjenje 0.11-3:

Postojeći tekst mijenja se sljedećim:

„0.11–3–1 Prilikom odlučivanja o tome hoće li pustiti robu ili vozilo, na nadležne organe ne treba uticati okolnost da je udruženje garanata odgovorno za plaćanje carina, poreza i zateznih kamata koje treba platiti nosilac TIR karneta, ako imaju druga zakonska sredstva koja im omogućavaju zaštitu interesa za koje su odgovorni.

0.11–3–2 Nadležni organi mogu obavijestiti udruženja garanata o tome da su pokrenuti upravni ili pravni postupci koji se odnose na obavezu plaćanja. U svakom slučaju, nadležni organi prije isteka roka od dvije godine obavještavaju udruženje garanata o onim spomenutim postupcima koji se eventualno završavaju tek po isteku roka od dvije godine.”

Aneks 6. objašnjenje 0.11-4:

Dodaje se novo objašnjenje 0.11–4 koje glasi:

„0.11–4 Ako se od udruženja garanata u skladu s postupkom utvrđenim u ovom članu zatraži da plati iznose iz člana 8. stavovi 1. i 2., a ono to ne učini u roku od tri mjeseca koji je utvrđen Konvencijom, nadležni organi mogu zatražiti plaćanje predmetnih iznosa na osnovu nacionalnih propisa, jer je u tom slučaju riječ o nepoštovanju ugovora o garanciji koji je udruženje garanata zaključilo u skladu nacionalnim propisima. Vremenski rok se primjenjuje i u slučaju da se udruženje garanata po prijemu zahtjeva savjetuje s međunarodnom organizacijom iz člana 6. stava 2. i traži njeno mišljenje o zahtjevu”.

Aneks 6. objašnjenje 0.28:

Objašnjenje 0.28 postaje objašnjenje 0.28–1

Poslije objašnjenja 0.28–1 unosi se novo objašnjenje 0.28-2 koje glasi:

„0.28–2 Ovim članom predviđa se da završetak TIR postupka podliježe stavljanju robe u drugi carinski postupak ili neki drugi postupak koji je pod carinskim nadzorom. To uključuje (potpuno ili uslovno) stavljanje robe u slobodan promet, prevoz robe preko granice u treću zemlju (izvoz) ili u slobodnu zonu ili skladištenje robe na mjestu koje je odobrio carinski organ, sve dok se roba ne deklarise za neki drugi postupak.”

Izmjena i dopuna 31

(Izmjena i dopuna koje su usvojene u skladu sa čl. 59 i 60 Konvencije i koje su stupile na snagu 10. oktobra 2013. godine)

Predložena izmjena i dopuna TIR konvencije, 1975
usvojena od strane
Administrativnog odbora za Konvenciju TIR
9. februara 2012. godine

Član 6. stav 2.bis

Mijenja se stav 2.bis i glasi:

„2.bis Administrativni odbor odobrava međunarodnoj organizaciji preuzimanje odgovornosti za efikasnu organizaciju i funkcionisanje međunarodnog sistema garancija. Odobrenje se daje uz uslov da organizacija ispunjava uslove i zahtjeve iz Aneksa 9. dijela III. Administrativni odbor može opozvati odobrenje u slučaju nepoštovanja tih uslova i zahtjeva.”

Aneks 9. novi dio III.

„Dodaje se dio III koji glasi:

Odobrenje dato međunarodnoj organizaciji iz člana 6. za preuzimanje odgovornosti za efikasnu organizaciju i funkcionisanje međunarodnog sistema garancija i za štampanje i raspodjelu TIR karneta.

Uslovi i zahtjevi:

1. Uslovi i zahtjevi koje međunarodna organizacija mora poštovati kako bi dobila odobrenje u skladu s članom 6. stavom 2.bis Konvencije, od Administrativnog odbora za preuzimanje odgovornosti za efikasnu organizaciju i funkcionisanje međunarodnog sistema garancija i za štampanje i raspodjelu TIR karneta su:

(a) dostavljanje dokaza o potpunoj stručnoj osposobljenosti i finansijskoj sposobnosti za efikasnu organizaciju i funkcionisanje međunarodnog sistema garancija i organizacionoj sposobnosti kako bi se ispunile obaveze u skladu s Konvencijom posredstvom godišnjeg podnošenja konsolidovanih finansijskih izvještaja koje revidiraju međunarodno priznati nezavisni revizori;

(b) nepostojanje ozbiljnih ili uzastopnih prekršaja carinskih ili poreskih propisa.

2. Na osnovu odobrenja međunarodna organizacija:

(a) ugovornim stranama TIR konvencije preko nacionalnih udruženja povezanih s međunarodnom organizacijom dostavlja ovjerene kopije ugovora o zajedničkoj garanciji i dokaz o pokriću garancije;

(b) nadležnim organima TIR konvencije dostavlja informacije o pravilima i postupcima za izdavanje TIR karneta od strane nacionalnih udruženja;

(c) nadležnim organima TIR konvencije jednom godišnje dostavlja podatke o podnesenim zahtjevima, onima u obradi, plaćenim zahtjevima ili zahtjevima riješenima bez plaćanja;

(d) nadležnim organima TIR konvencije dostavlja potpune i sveobuhvatne informacije o funkcionisanju TIR sistema, a posebno, ali ne isključivo, pravovremene i dobro utemeljene informacije o trendovima u broju nezavršenih TIR aktivnosti, o podnesenim zahtjevima, onima u obradi, plaćenim zahtjevima ili zahtjevima riješenima bez plaćanja koje bi mogle dovesti u pitanje pravilno funkcionisanje TIR sistema ili bi mogle izazvati poteškoće u daljem

funkcionisanju međunarodnog sistema garancija;

(e) nadležnim organima TIR konvencije dostavlja statističke podatke o broju TIR karneta raspoređenih svakoj ugovornoj strani, razvrstanih prema tipu;

(f) Izvršnom odboru TIR-a dostavlja pojedinosti o cijeni svakog tipa TIR karneta koje raspoređuje međunarodna organizacija;

(g) preduzima sve korake kako bi smanjila rizik od krivotvorenja TIR karneta;

(h) preduzima odgovarajuće korektivne mjere u slučaju otkrivanja grešaka ili nedostataka kod TIR karneta koje prijavljuje Izvršnom odboru TIR-a;

(j) u potpunosti sarađuje u slučajevima kada se od Izvršnog odbora TIR-a traži pomoć pri rješavanju sporova;

(k) obavezuje se da će o svim problemima povezanim s prevarama ili drugim poteškoćama u primjeni TIR konvencije odmah obavijestiti Izvršni odbor TIR-a;

(l) upravlja nadzornim sistemom za TIR karnete iz Aneksa 10. Konvencije zajedno s nacionalnim garantnim udruženjima povezanim s međunarodnom organizacijom i carinskim organima te ugovorne strane i obavještava nadležne organe Konvencije o problemima zatečenim u sistemu;

(m) nadležnim organima TIR konvencije dostavlja statističke podatke i podatke o efikasnosti djelovanja ugovornih strana u vezi s nadzornim sistemom iz Aneksa 10.;

(n) najmanje dva mjeseca prije približnog datuma stupanja na snagu ili obnavljanja odobrenja dodijeljenog u skladu s članom 6. stavom 2.bis Konvencije, zaključuje pisani sporazum s sekretarijatom Ekonomske komisije Ujedinjenih nacija za Evropu, koju je ovlastio Administrativni odbor i u čije ime djeluje, kojim međunarodna organizacija prihvata obaveze iz ovog stava.

3. Nakon što udruženje garanata međunarodnu organizaciju obavijesti o zahtjevu za plaćanje, organizacija u roku od tri (3) mjeseca obavještava garantno udruženje o svom stavu o tom zahtjevu.

4. Sve informacije koje je međunarodna organizacija direktno ili indirektno dobila na osnovu Konvencije i koje su povjerljive prirode ili su dostavljene na takav način da moraju biti obuhvaćene obavezom čuvanja poslovne tajne i ne smiju se upotrebljavati ili obrađivati u komercijalne ili druge svrhe bez izričite dozvole lica ili organa koje ih je dostavilo, osim u svrhe zbog kojih su dostavljene i povjerene trećoj strani. Međutim, informacije se smiju otkriti bez dozvole nadležnim organima ugovornih strana Konvencije ako za to postoji odobrenje ili obaveza u skladu s odredbama nacionalnih ili međunarodnih zakona ili u vezi s pravnim postupcima. Otkrivanje ili saopštavanje informacija obavlja se u potpunosti u skladu s odredbama o zaštiti ličnih podataka.

5. Administrativni odbor ima pravo opoziva odobrenja dodijeljenog u skladu s članom 6. stavom 2.bis u slučaju nepoštovanja navedenih uslova i zahtjeva. Ako Administrativni odbor odluči da opozove odobrenje, ta odluka stupa na snagu najranije šest (6) mjeseci poslije datuma opoziva.

6. Odobrenje dato međunarodnoj organizaciji u skladu s prethodno navedenim uslovima ne dovodi u pitanje njene odgovornosti i obaveze iz Konvencije."

Izmjene i dopune 32

(Izmjene i dopune koje su usvojene u skladu sa članom 60 Konvencije i
koje su stupile na snagu 1. januara 2015. godine)

Predložene izmjene i dopune TIR konvencije, 1975
usvojene od strane
Administrativnog odbora za Konvenciju TIR
6. februara 2014. i 12. juna 2014. godine

Aneks 1., stranica 11., tačka 5.

Umjesto oznake „HS: 24.03.10” treba da stoji oznaka „HS: 24.03.11 i 24.03.19

Aneks 6., objašnjenje 0.8.3, tačka 5.

Umjesto oznake „HS: 24.03.10” treba da stoji oznaka „HS: 24.03.11 i 24.03.19”

Aneks 6., novo objašnjenje 0.38.2

Dodaje se novo objašnjenje člana 38. stav 2. koje glasi:

Objašnjenje stava 2.

0.38.2 Smatra se da je pravna obaveza obavješćavanja Izvršnog odbora TIR-a o privremenom ili trajnom isključenju lica od primjene odredbi Konvencije ispunjena pravilnom upotrebom elektronskih aplikacija koje je u tu svrhu razvio sekretarijat TIR-a uz nadzor Izvršnog odbora TIR-a.”

Aneks 6., novo objašnjenje 8.9.1

Dodaje se novo objašnjenje Aneksa 8. člana 9. stavka 1. koje glasi:

„8.9.1 Članovi Izvršnog odbora TIR-a trebaju imati kompetencije i iskustvo potrebno za primjenu carinskih postupaka, posebno postupaka TIR, na nacionalnom i međunarodnom nivou. Članove odbora imenuju njihove vlade ili organizacije koje su ugovorne strane Konvencije. Oni zastupaju interese ugovornih strana Konvencije, a ne posebne interese pojedinačne vlade ili organizacije.”

Aneks 6., novo objašnjenje 8.9.2

Dodaje se novo objašnjenje Aneksa 8. člana 9. stava 2. koje glasi:

„8.9.2 Ako neki član Izvršnog odbora TIR-a podnese ostavku prije završetka svog mandata, Administrativni odbor može izabrati zamjenskog člana. U tom slučaju izabrani član obavlja dužnost samo u preostalom razdoblju trajanja mandata njegovog prethodnika. Ako član Izvršnog odbora TIR-a ne može dovršiti svoj mandat zbog razloga koji ne uključuju ostavku, nacionalna administracija predmetnog člana o tome treba pisano obavijestiti Izvršni odbor TIR-a i sekretarijat TIR-a. U tom slučaju Administrativni odbor može izabrati zamjenskog člana za

preostalo razdoblje trajanja mandata.”

Aneks 6., novo objašnjenje 9.II.4

Dodaje se novo objašnjenje Aneksa 9. dijela II. stava 4. koje glasi:

„Objašnjenje stav 4.

9.II.4 Smatra se da su pravni zahtjevi u pogledu podnošenja podataka, kako je navedeno u stavu 4., ispunjeni pravilnom upotrebom elektronskih aplikacija koje je u tu svrhu razvio sekretarijat TIR-a uz nadzor Izvršnog odbora TIR-a.”

Aneks 6., novo objašnjenje 9.II.5

Dodaje se novo objašnjenje Aneksa 9. dijela II. stava 5. koje glasi:

„Objašnjenje stav 5.

9.II.5 Objašnjenje 9.II.4 primjenjuje se „kad se izvrše neophodne stvari“ iz stava 5.”

Aneks 9. dio I. stav 3. tačka vi.⁴

Umjesto postojećeg teksta treba da stoji:

(vi) jedanput godišnje, prije 1. marta, dostavljati Izvršnom odboru TIR-a cijenu za svaki izdati tip TIR karneta;”

⁴ Usvojen 12. juna 2014. godine

Izmjene i dopune 33

(Izmjene i dopune koje su usvojene u skladu sa članom 60 Konvencije
i koje su stupile na snagu 1. januara 2017. godine)

Predložene izmjene i dopune TIR konvencije, 1975
usvojene od strane Administrativnog odbora za Konvenciju TIR 10-11. februara 2016. godine

Aneks 6., novo objašnjenje 0.42.a:

Dodaje se novo objašnjenje uz član 42.a koje glasi:

„0.42.a Pojam ‚odmah‘ u članu 42.a znači da je o nacionalnim mjerama koje mogu uticati na primjenu TIR Konvencije i/ili funkcionisanje TIR sistema potrebno je u najkraćem roku u pisanom obliku obavijestiti Izvršni odbor TIR-a (TIRExB), a po mogućnosti i prije njihovog stupanja na snagu, kako bi se Izvršnom odboru TIR-a omogućilo efikasno obavljanje nadzornih funkcija i ispunjavanje njegove obaveze pregledavanja usaglašenosti tih mjera s Konvencijom TIR u skladu s članom 42.a i njegovim nadležnostima i zadacima koje su utvrđene u Aneksu 8. Konvencije TIR.”

Aneks 2., član 4., stav 2. alineja i.:

Postojeći tekst mijenja se sljedećim:

„i. Klizne cerade, pod, vrata, i svi ostali sastavni dijelovi prostora za teret sastavljaju se pomoću naprava koje se ne mogu ukloniti i zamijeniti spolja bez ostavljanja vidljivih tragova ili tako da nastane struktura koja se ne može izmijeniti bez ostavljanja vidljivih tragova.”

Aneks 2., član 4., stav 2. alineja iii.:

Postojeći tekst mijenja se sljedećim:

„iii. Vodilica za kliznu ceradu, naprave za zatezanje klizne cerade i drugi pokretni dijelovi sastavljaju se tako da vrata i druge pokretne dijelove, kada su zatvoreni i plombirani carinskom plombom, nije moguće otvoriti ili zatvoriti spolja bez ostavljanja vidljivih tragova. Vodilica za kliznu ceradu, naprave za zatezanje klizne cerade i drugi pokretni dijelovi sastavljaju se tako da poslije stavljanja naprave za zatvaranje nije moguće pristupiti teretnom prostoru bez ostavljanja vidljivih tragova. Primjer takvog sistema konstrukcije prikazan je na skici br. 9. priloženoj ovom dokumentu.”

Aneks 2., novi član 5.:

Poslije izmijenjenog člana 4. dodaje se:

Član 5.

Vozila s krovnim kliznim ceradama

1. Ako je to primjenjivo, odredbe čl. 1., 2., 3. i 4. ovih propisa primjenjuju se na vozila s krovnim kliznim ceradama. Osim toga, ta vozila moraju ispunjavati odredbe ovog člana.

2. Krovne klizne cerade moraju ispunjavati zahtjeve navedene u tačkama od i. do iii. u nastavku.

i. Krovne klizne cerade sastavljaju se pomoću naprava koje se ne mogu ukloniti i zamijeniti spolja bez ostavljanja vidljivih tragova ili tako da nastane struktura koja se ne može izmijeniti bez ostavljanja vidljivih tragova.

ii. Krovne klizne cerade preklapaju se s čvrstim dijelom krova na prednjoj strani teretnog prostora tako da krovnu ceradu nije moguće povući preko ruba gornje vodilice. S obje strane teretnog prostora cijelom dužinom krovne cerade dodaje se prednapregnuti čelični kabal tako da ga nije moguće ukloniti i ponovo umetnuti bez ostavljanja vidljivih tragova. Krovna cerada pričvršćuje se na kliznu konzolu tako da je nije moguće ukloniti i ponovno učvrstiti bez ostavljanja vidljivih tragova.

iii. Vodilica za krovnu kliznu ceradu, naprave za zatezanje krovne klizne cerade i drugi pokretni dijelovi sastavljaju se tako da vrata i druge pokretne dijelove, kada su zatvoreni i plombirani carinskom plombom, nije moguće otvoriti ili zatvoriti spolja bez ostavljanja vidljivih tragova. Vodilica za krovnu kliznu ceradu, naprave za zatezanje krovne klizne cerade i drugi pokretni dijelovi sastavljaju se tako da poslije stavljanja naprave za zatvaranje nije moguće pristupiti teretnom prostoru bez ostavljanja vidljivih tragova.

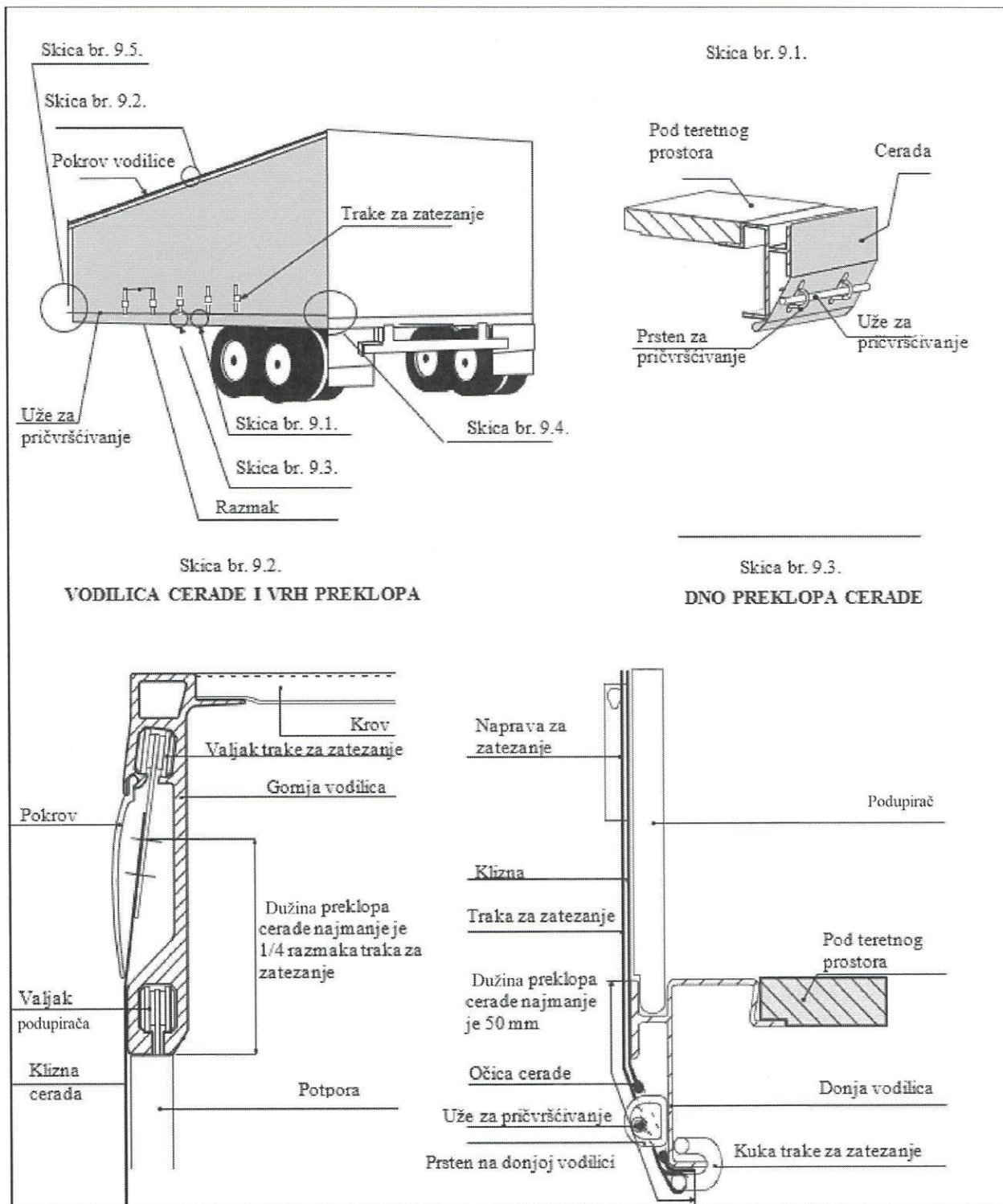
Primjer mogućeg sistema konstrukcije prikazan je na skici br. 10. priloženoj ovom dokumentu.

” Aneks 2., skica br. 9.:

Postojeća skica br. 9. mijenja se s:

„Skica br. 9.

PRIMJER KONSTRUKCIJE VOZILA S KLIZNIM CERADAMA

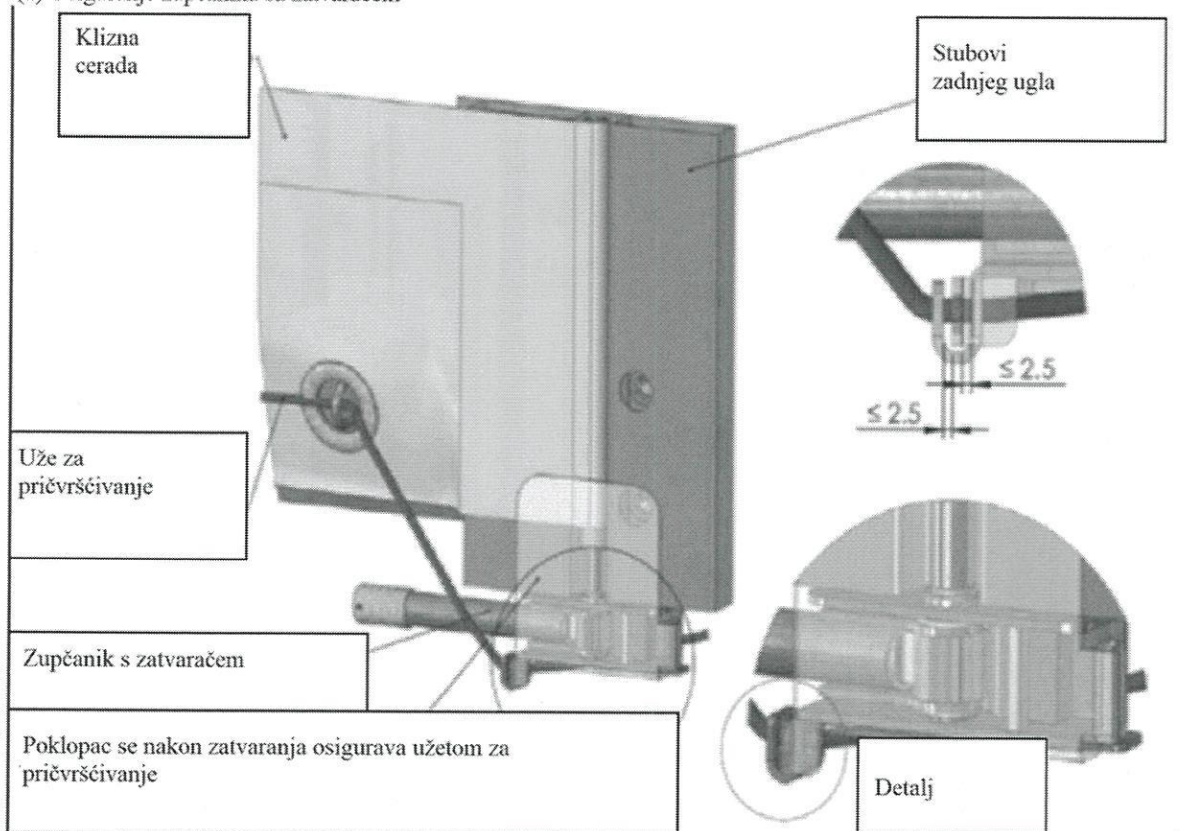


Skica br. 9. nastavak:

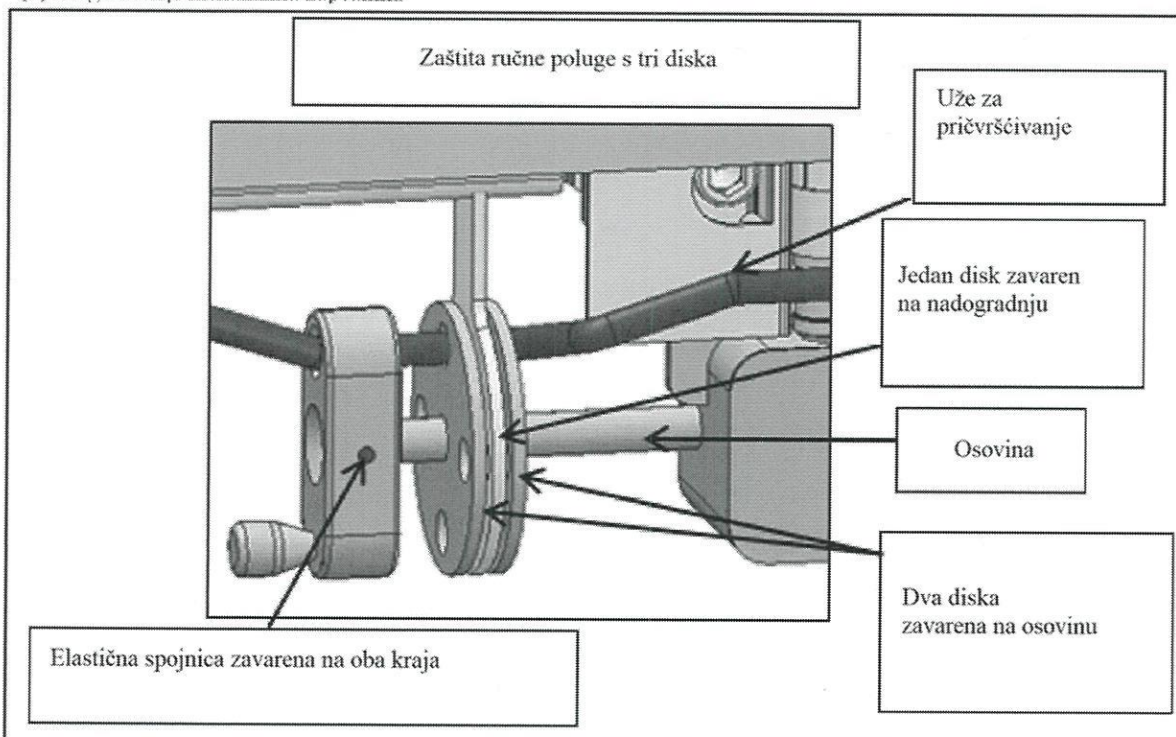
Skica br. 9.4

U vodoravnom smjeru klizne cerade zatežu se zupčanicom sa zatvaračem (obično na zadnjem kraju kontejnera). Na skici su prikazana dva primjera (a) i (b), da bi bilo moguće osigurati zupčanic sa zatvaračem ili mehanizam zupčanika.

(a) Osiguranje zupčanika sa zatvaračem



(b) Osiguravanje mehanizma zupčanika

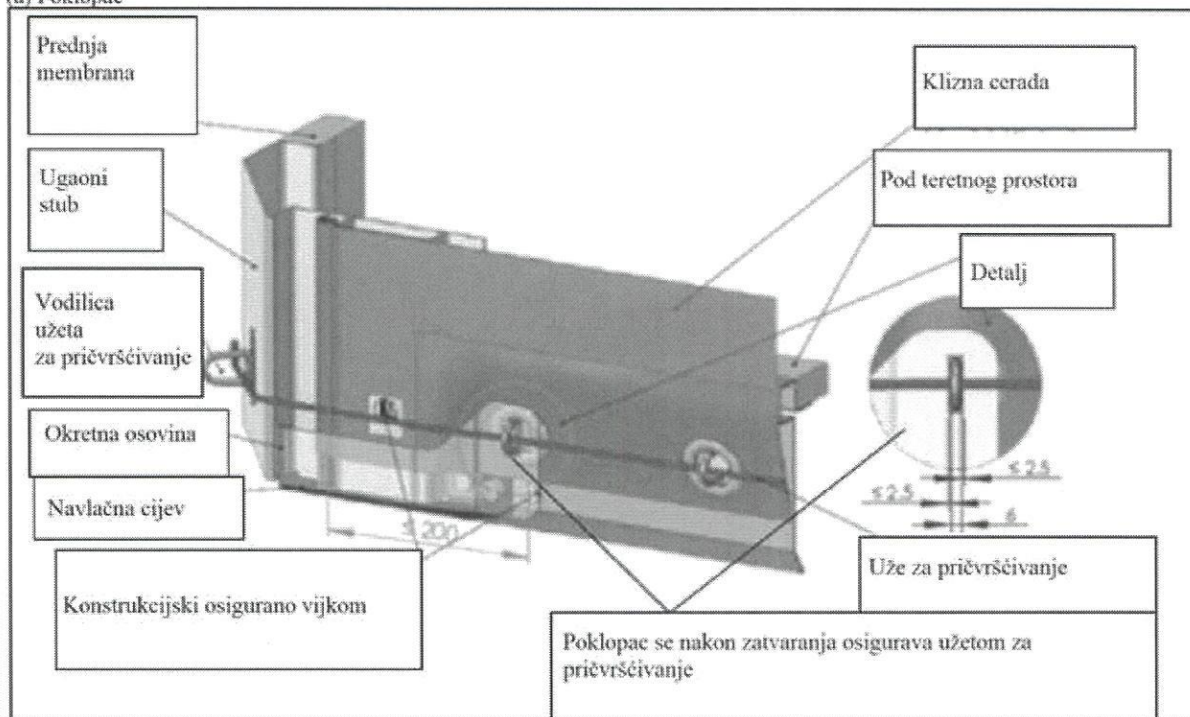


Skica br 9. nastavak:

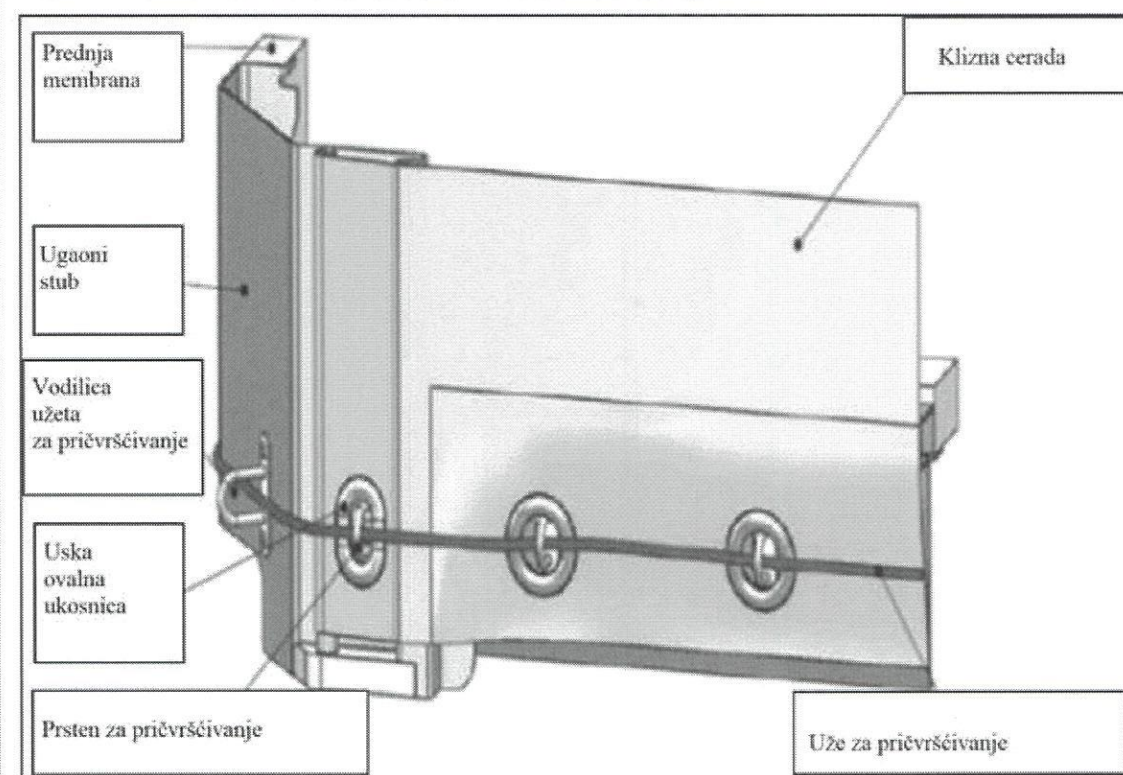
Skica br. 9.5

Za učvršćivanje klizne cerade na drugu stranu (obično na prednjoj strani kontejnera) mogu se upotrijebiti sljedeća dva sistema (a) i (b)

(a) Poklopac



b) Uska ovalna ukosnica, sistem protiv podizanja za zateznu cijev



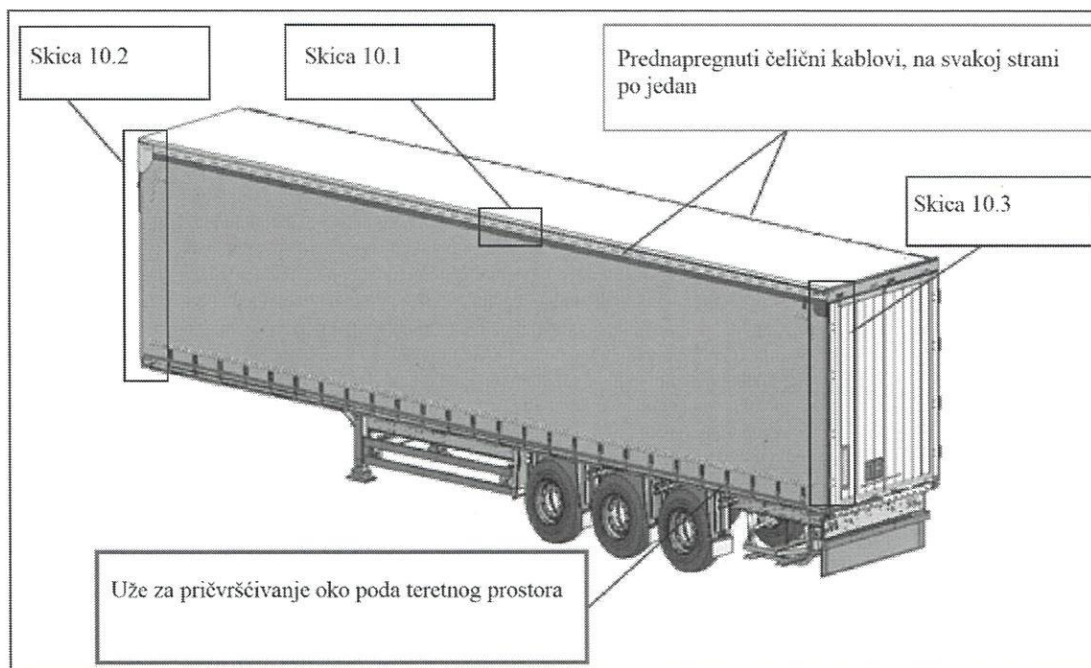
Aneks 2., nova skica br. 10.:

Iza nove skice br. 9 dodaje se:

„Skica br. 10.

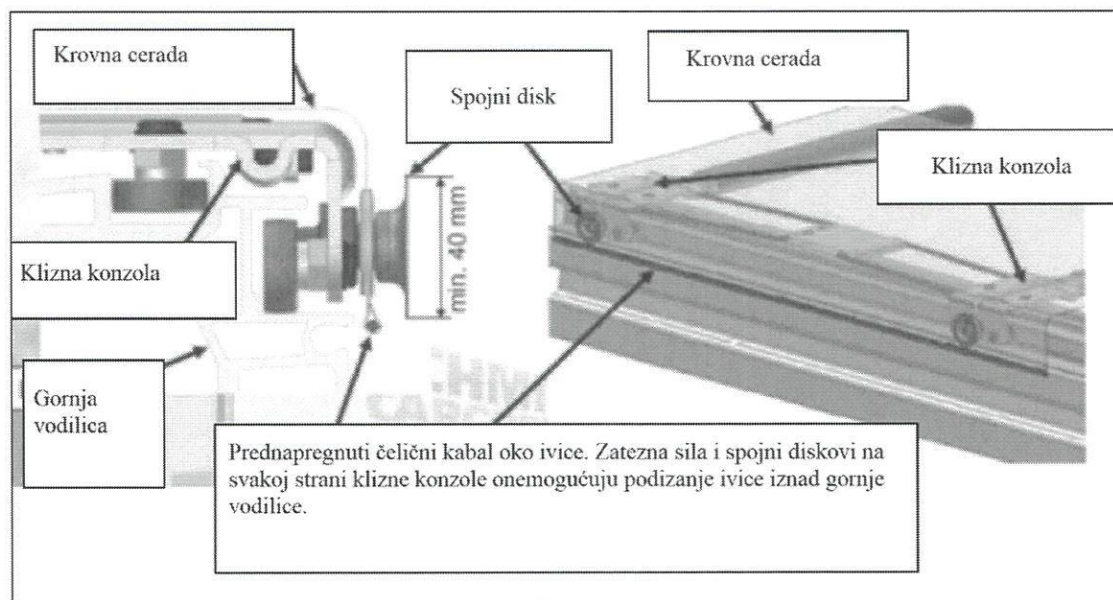
PRIMJER KONSTRUKCIJE VOZILA S KROVNIM KLIZNIM CERADAMA

Na skici je prikazan primjer vozila i važnih zahtjeva opisanih u članu 5. ovog dokumenta



Skica 10.1

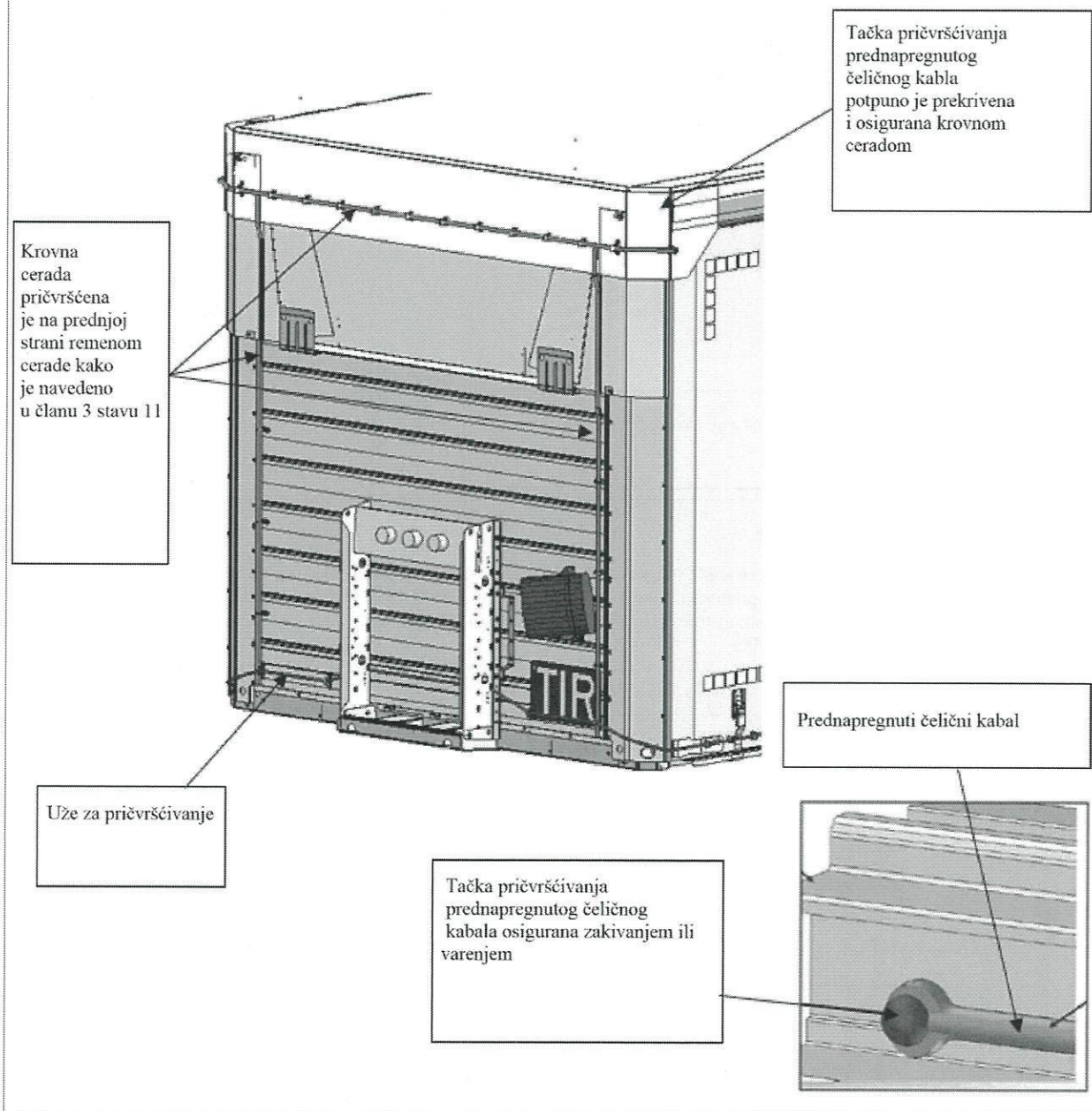
Dva prednapregnuta čelična kabla umetnuta oko ivice pričvršćena su na svaku stranu teretnog prostora. Ti kablovi su pričvršćeni na prednjem (vidjeti skicu 10.2) i zadnjem kraju nadogradnje (vidjeti skicu 10.3). Zatezna sila i spojni diskovi na svakoj strani klizne konzole onemogućuju podizanje ivice s prednapregnutim čeličnim kablom iznad gornje vodilice.



Skica br. 10. nastavak:

Skica br. 10.2

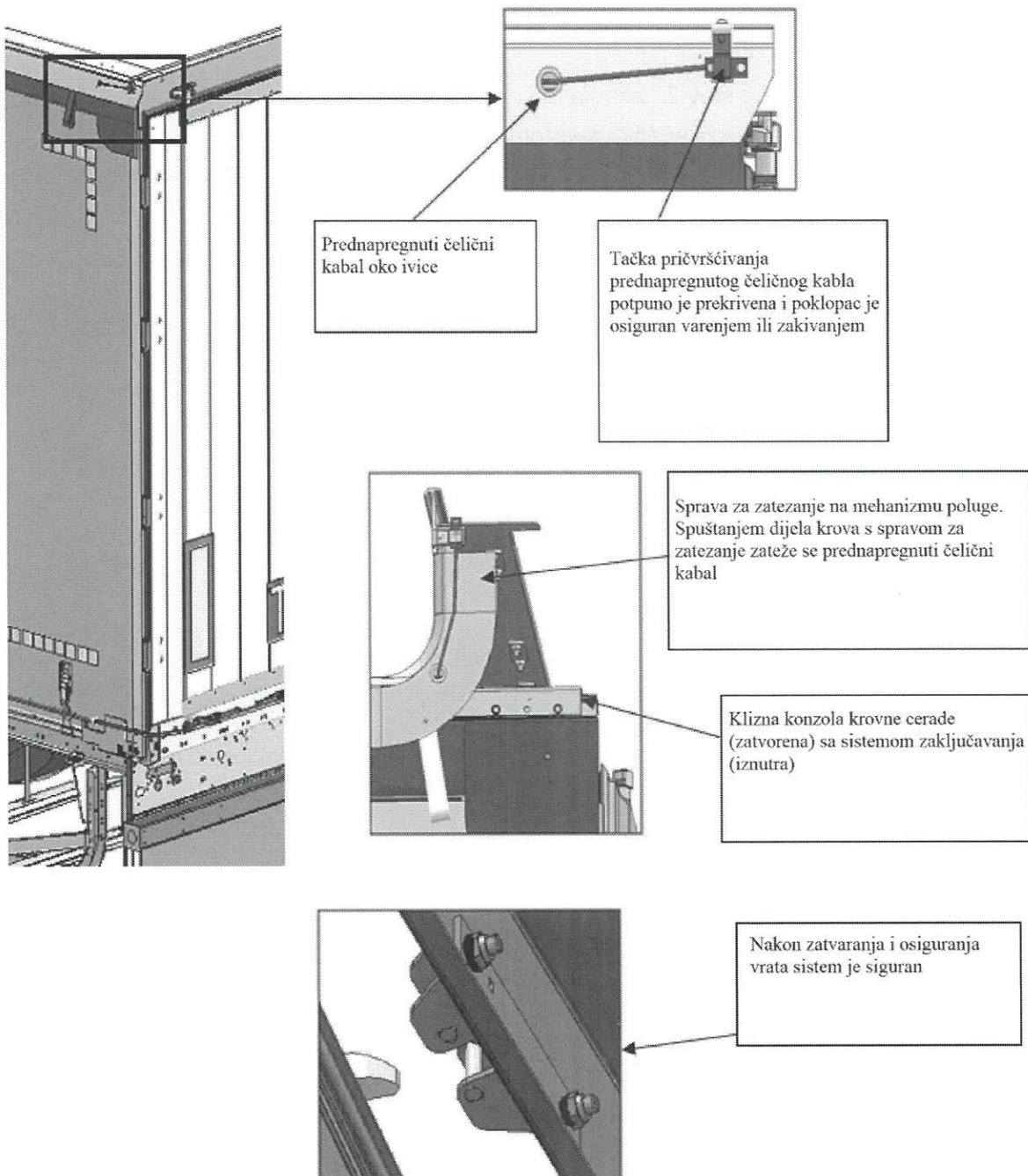
Klizna krovna cerada prekriva čvrsti dio krova na prednjoj strani kontejnera i na taj način onemogućuje podizanje krovne cerade preko ivice gornje vodilice



Skica br. 10. nastavak:

Skica br. 10.3

Na zadnjoj strani na krovu ugrađuje se posebna sprava poput pokrova kojim se nakon zatvaranja i osiguranja vrata onemogućuje pristup kontejneru bez ostavljanja vidljivih tragova.



Aneks 7., dio I., član 5., stav 2., alineja i.:

Postojeći tekst mijenja se sljedećim tekstom:

„i. Klizne cerade, pod, vrata, i svi ostali sastavni dijelovi kontejnera sastavljaju se s pomoću naprava koje se ne mogu ukloniti i zamijeniti spolja bez ostavljanja vidljivih tragova ili tako da nastane struktura koja se ne može izmijeniti bez ostavljanja vidljivih tragova.”

Aneks 7., dio I., član 5., stav 2., alineja iii.:

Postojeći tekst mijenja se sljedećim tekstom:

„(iii) Vodicica za kliznu ceradu, naprave za zatezanje klizne cerade i drugi pokretni dijelovi sastavljaju se tako da vrata i druge pokretne dijelove, kada su zatvoreni i plombirani carinskom plombom, nije moguće otvoriti ili zatvoriti spolja bez ostavljanja vidljivih tragova. Vodicica za kliznu ceradu, naprave za zatezanje klizne cerade i drugi pokretni dijelovi sastavljaju se tako da poslije stavljanja naprave za zatvaranje nije moguće pristupiti teretnom prostoru bez ostavljanja vidljivih tragova. Primjer takvog sistema konstrukcije prikazan je na skici br. 9. priloženoj ovom dokumentu.”

Aneks 7., dio I., novi član 6:

Poslije izmijenjenog člana 5. dodaje se:

„Član 6.

Kontejneri s krovnim kliznim ceradama

1. Ako je primjenjivo, odredbe čl. 1. 2. i 3. i 4. ovih propisa primjenjuju se na kontejnere s krovnim kliznim ceradama. Osim toga, ti kontejneri moraju ispunjavati uslove propisane ovim članom.

2. Krovne klizne cerade moraju ispunjavati zahtjeve navedene u tačkama od i. do iii. u nastavku.

i. Krovne klizne cerade sastavljaju se pomoću naprava koje se ne mogu ukloniti i zamijeniti spolja bez ostavljanja vidljivih tragova ili tako da nastane struktura koja se ne može izmijeniti bez ostavljanja vidljivih tragova.

ii. Krovne klizne cerade preklapaju se sa čvrstim dijelom krova na prednjoj strani kontejnera tako da krovnu ceradu nije moguće povući preko ruba gornje vodilice. S obje strane kontejnera cijelom dužinom krovne cerade dodaje se prednapregnuti čelični kabal tako da ga nije moguće ukloniti i ponovno umetnuti bez ostavljanja vidljivih tragova. Krovna cerada pričvršćuje se na kliznu konzolu tako da je nije moguće ukloniti i ponovno učvrstiti bez ostavljanja vidljivih tragova.

iii. Vodicica za krovnu kliznu ceradu, naprave za zatezanje krovne klizne cerade i drugi pokretni dijelovi sastavljaju se tako da plombirana vrata i druge pokretne dijelove, kada su zatvoreni i plombirani carinskom plombom, nije moguće otvoriti ili zatvoriti spolja bez ostavljanja vidljivih tragova. Vodicica za krovnu kliznu ceradu, naprave za zatezanje krovne klizne cerade i drugi pokretni dijelovi sastavljaju se tako da poslije stavljanja naprave za zatvaranje nije moguće pristupiti teretnom prostoru bez ostavljanja vidljivih tragova.

Primjer mogućeg istema konstrukcije prikazan je na skici br. 10. priloženoj ovom dokumentu.”

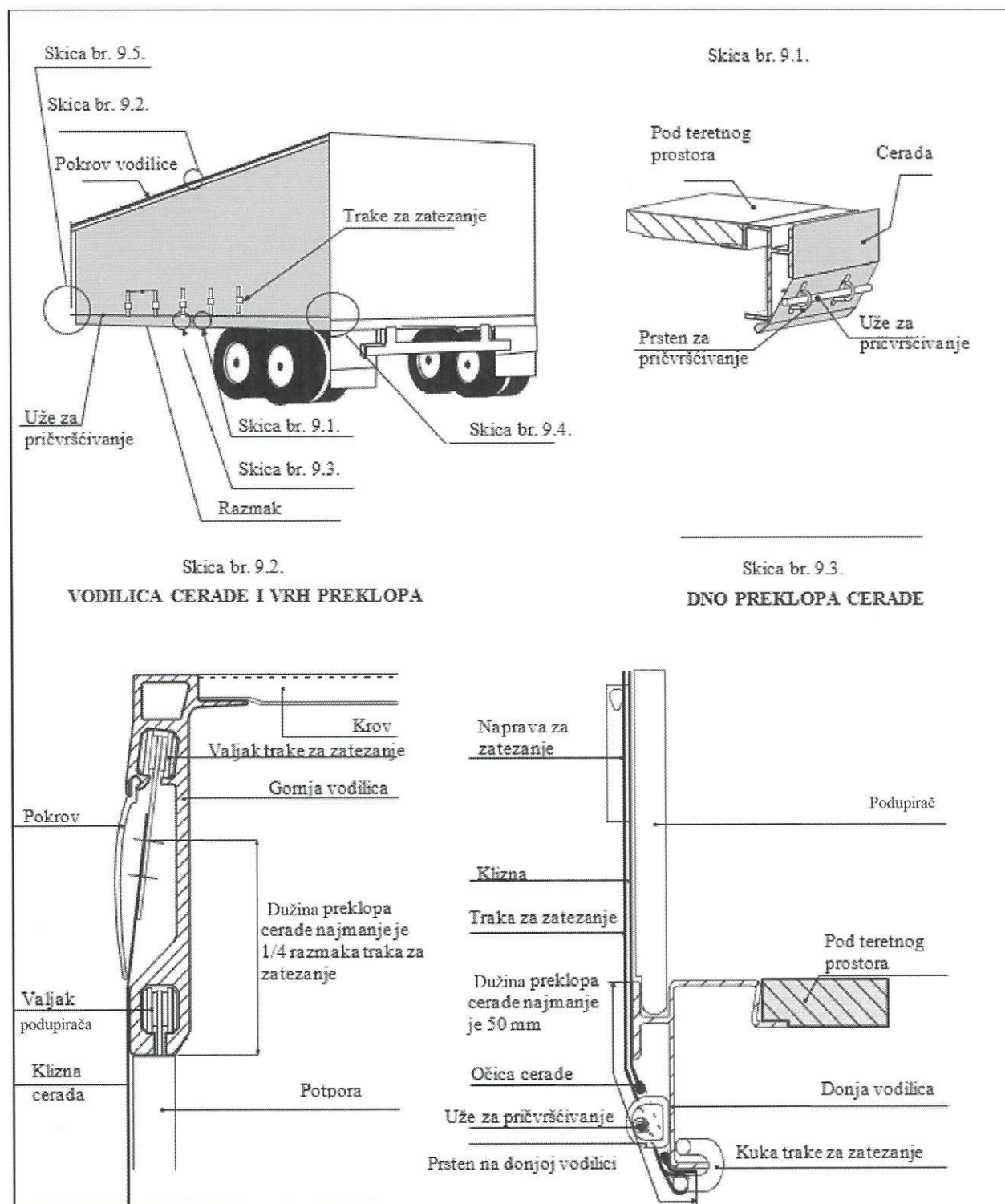
Aneks 7., dio I., skica br. 9.:

Postojeća skica br. 9. mijenja se s:

„Skica br. 9.

PRIMJER KONSTRUKCIJE KONTEJNERA S KLIZNIM CERADAMA

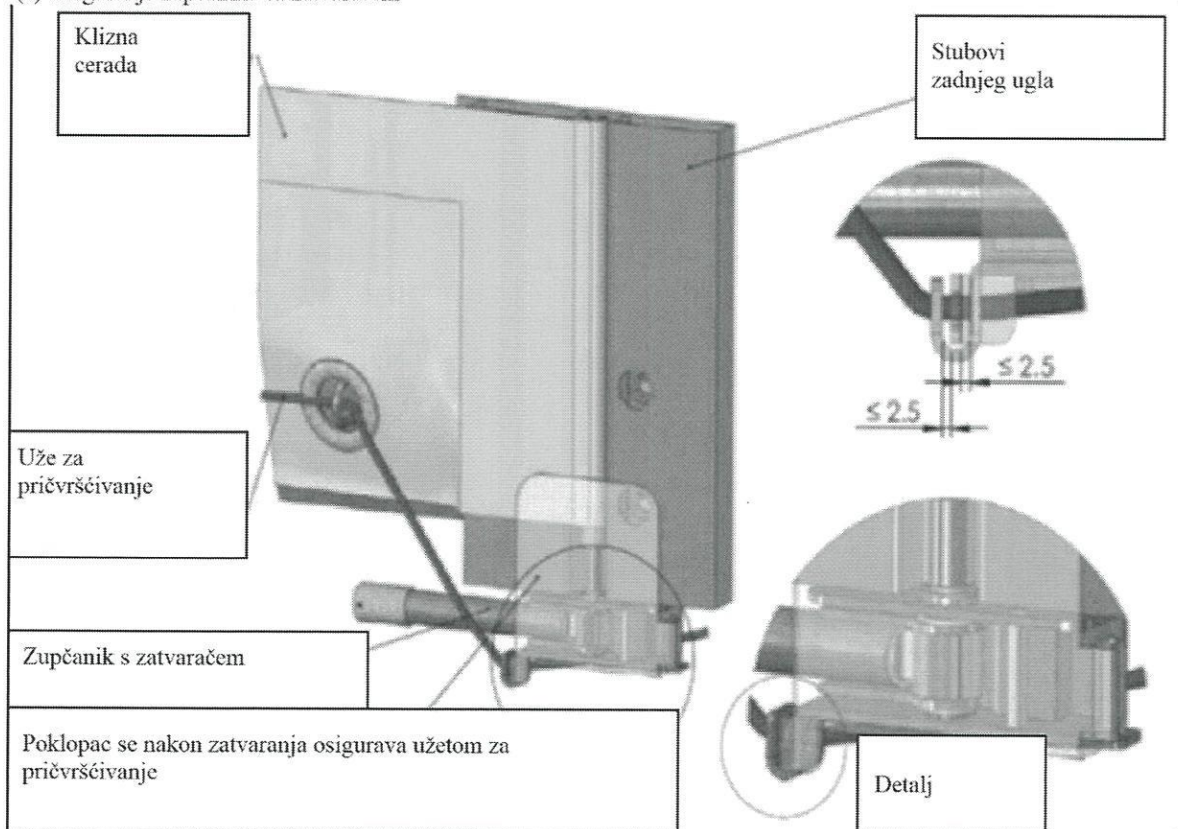
Skica br. 9. nastavak:



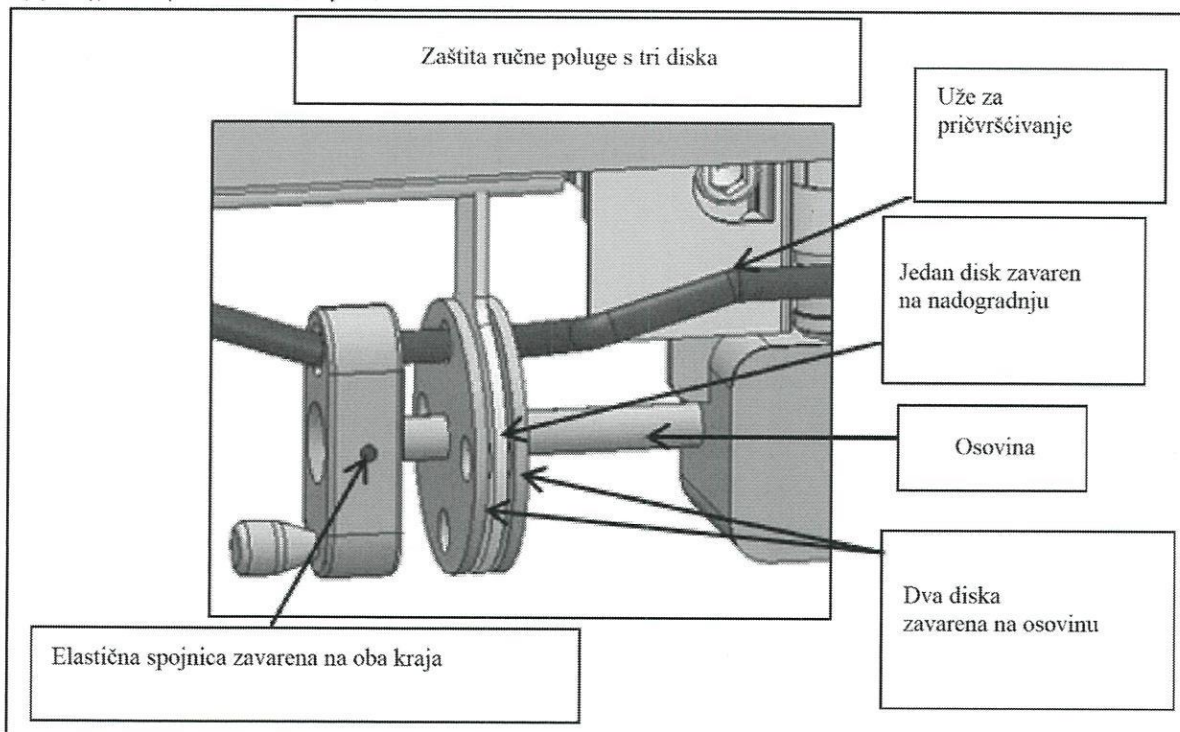
Skica br. 9.4

U vodoravnom smjeru klizne cerade zatežu se zupčanikom sa zatvaračem (obično na zadnjem kraju kontejnera). Na skici su prikazana dva primjera (a) i (b), da bi bilo moguće osigurati zupčanik sa zatvaračem ili mehanizam zupčanika.

(a) Osiguranje zupčanika sa zatvaračem



(b) Osiguravanje mehanizma zupčanika

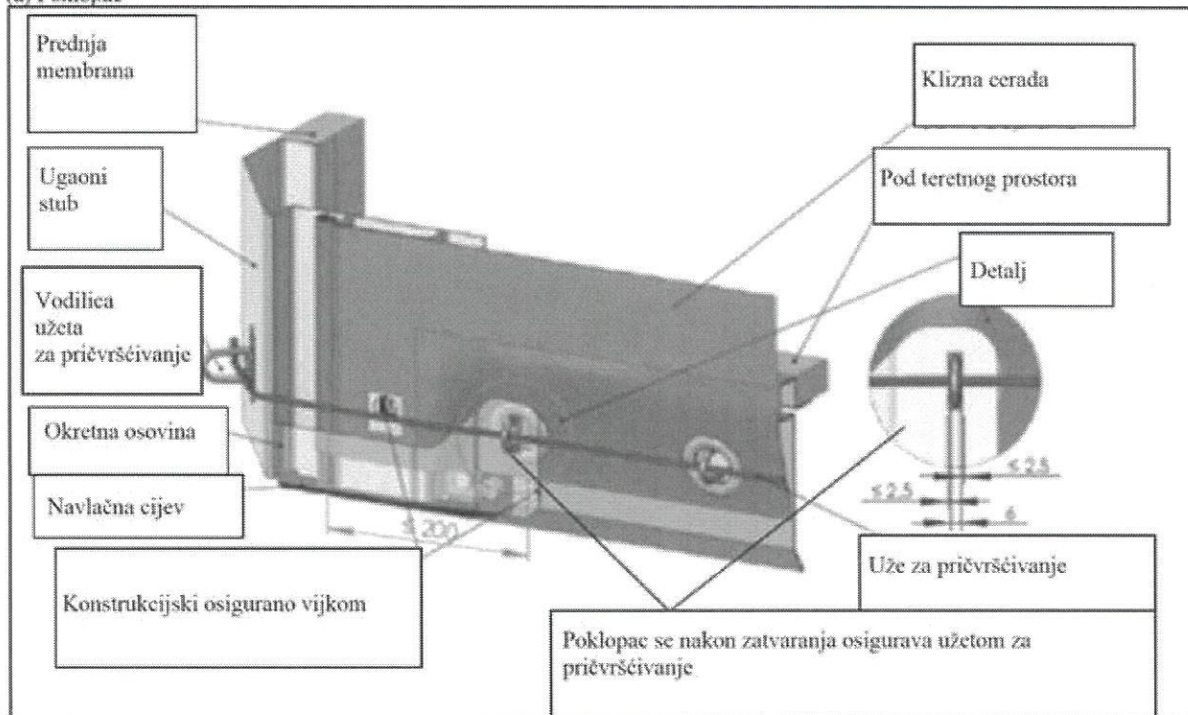


Skica br. 9. nastavak

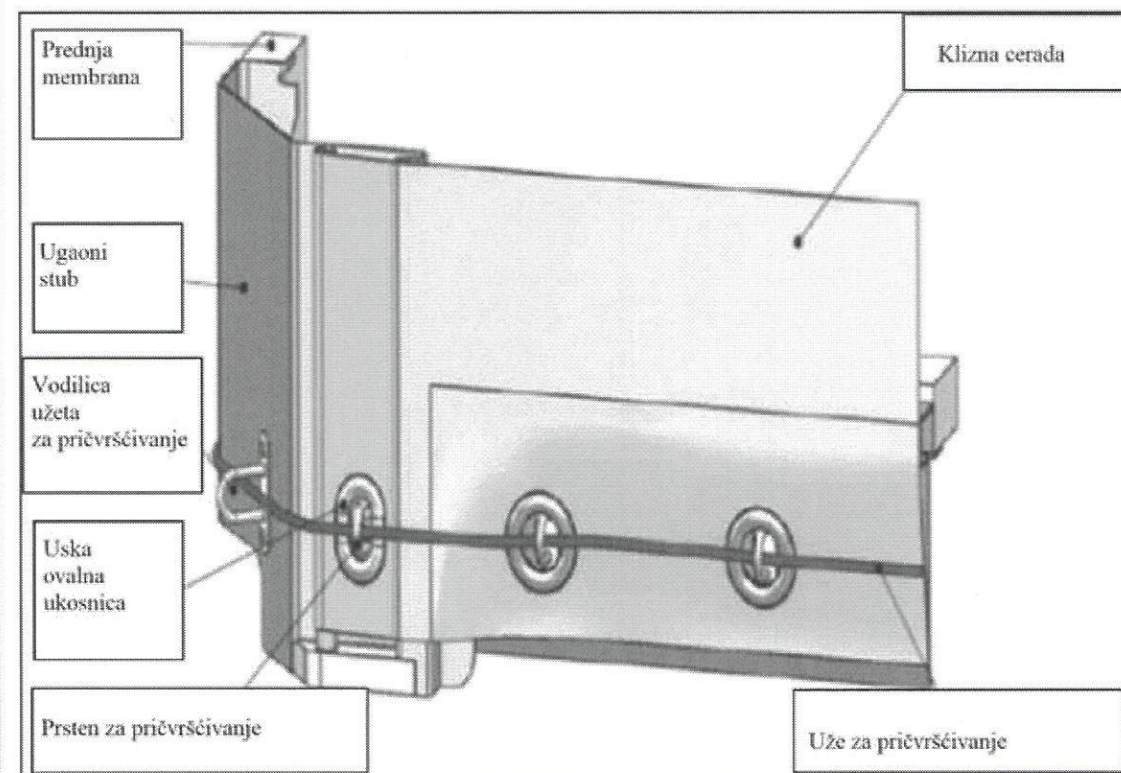
Skica br. 9.5

Za učvršćivanje klizne cerade na drugu stranu (obično na prednjoj strani kontejnera) mogu se upotrijebiti sljedeća dva sistema (a) i (b)

(a) Poklopac



(b) Uska ovalna ukosnica, sistem protiv podizanja za napravu za zatezanje



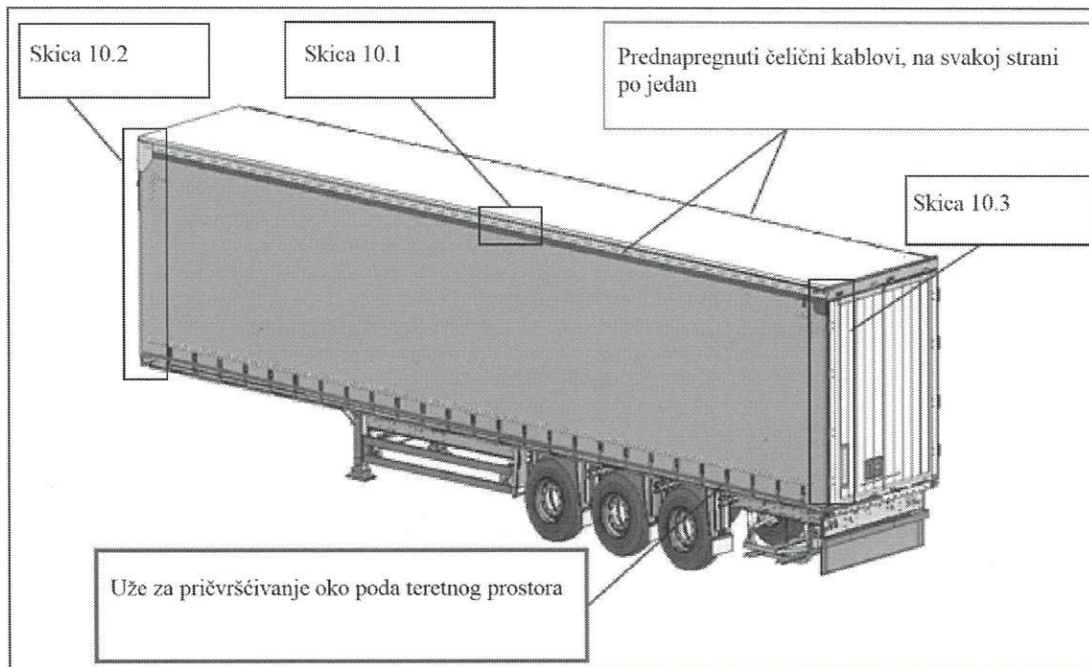
Aneks 7., dio I., nova skica br. 10.:

Poslije nove skice br. 9 dodaje se:

„Skica br. 10.

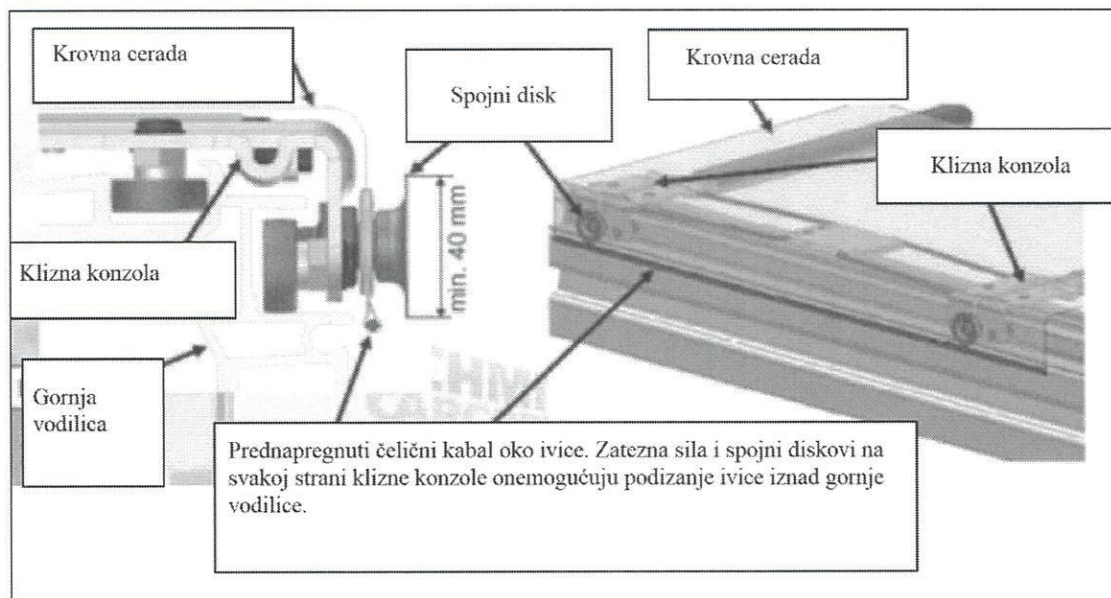
PRIMJER KONSTRUKCIJE KONTEJNERA S KROVNIM KLIZNIM CERADAMA

Na skici je prikazan primjer vozila i važnih zahtjeva opisanih u članu 5. ovog dokumenta



Skica 10.1

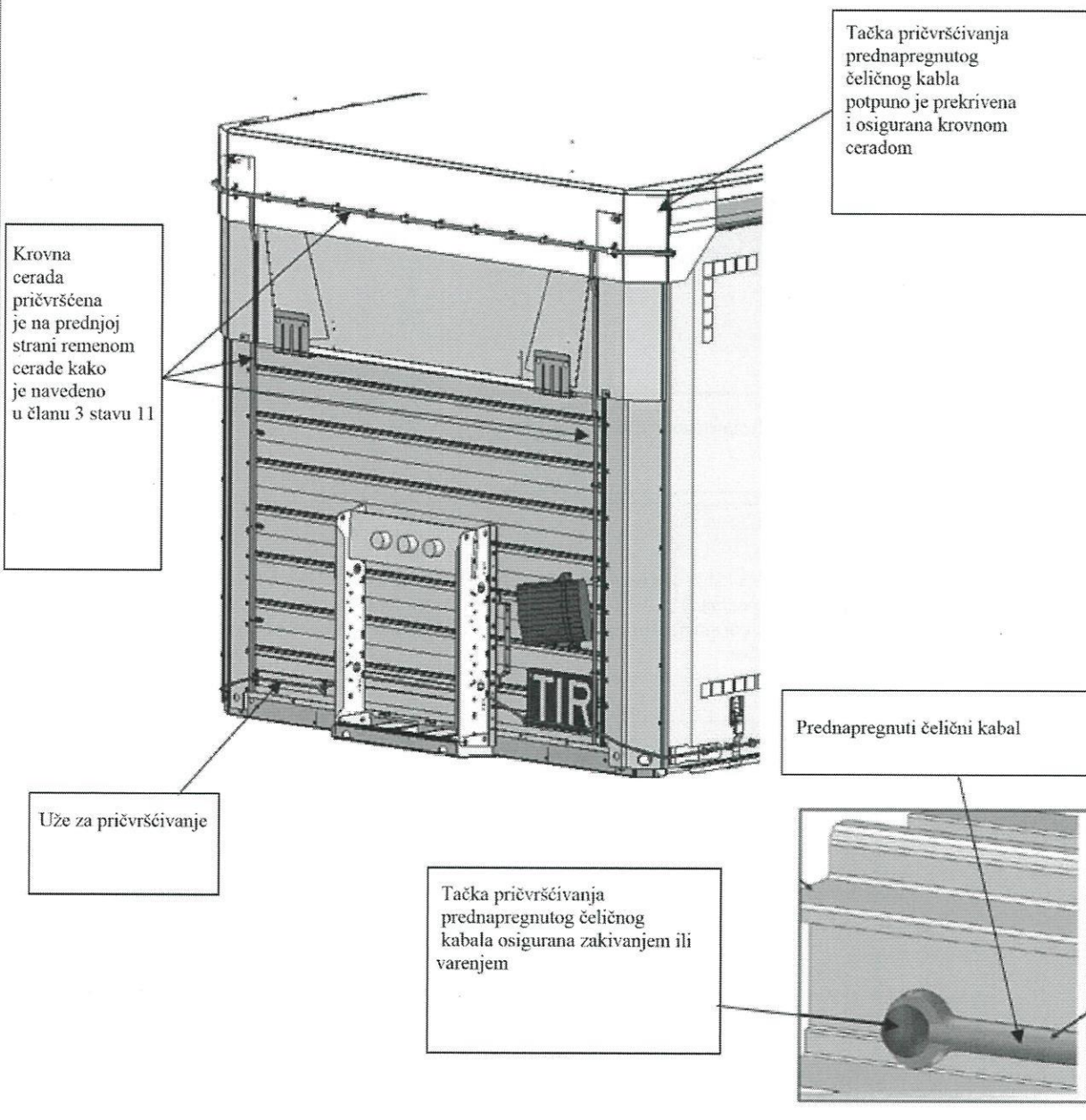
Dva prednapregnuta čelična kabla umetnuta oko ivice pričvršćena su na svaku stranu teretnog prostora. Ti kablovi su pričvršćeni na prednjem (vidjeti skicu 10.2) i zadnjem kraju nadogradnje (vidjeti skicu 10.3). Zatezna sila i spojni diskovi na svakoj strani klizne konzole onemogućuju podizanje ivice s prednapregnutim čeličnim kablom iznad gornje vodilice.



Skica br. 10. nastavak:

Skica br. 10.2

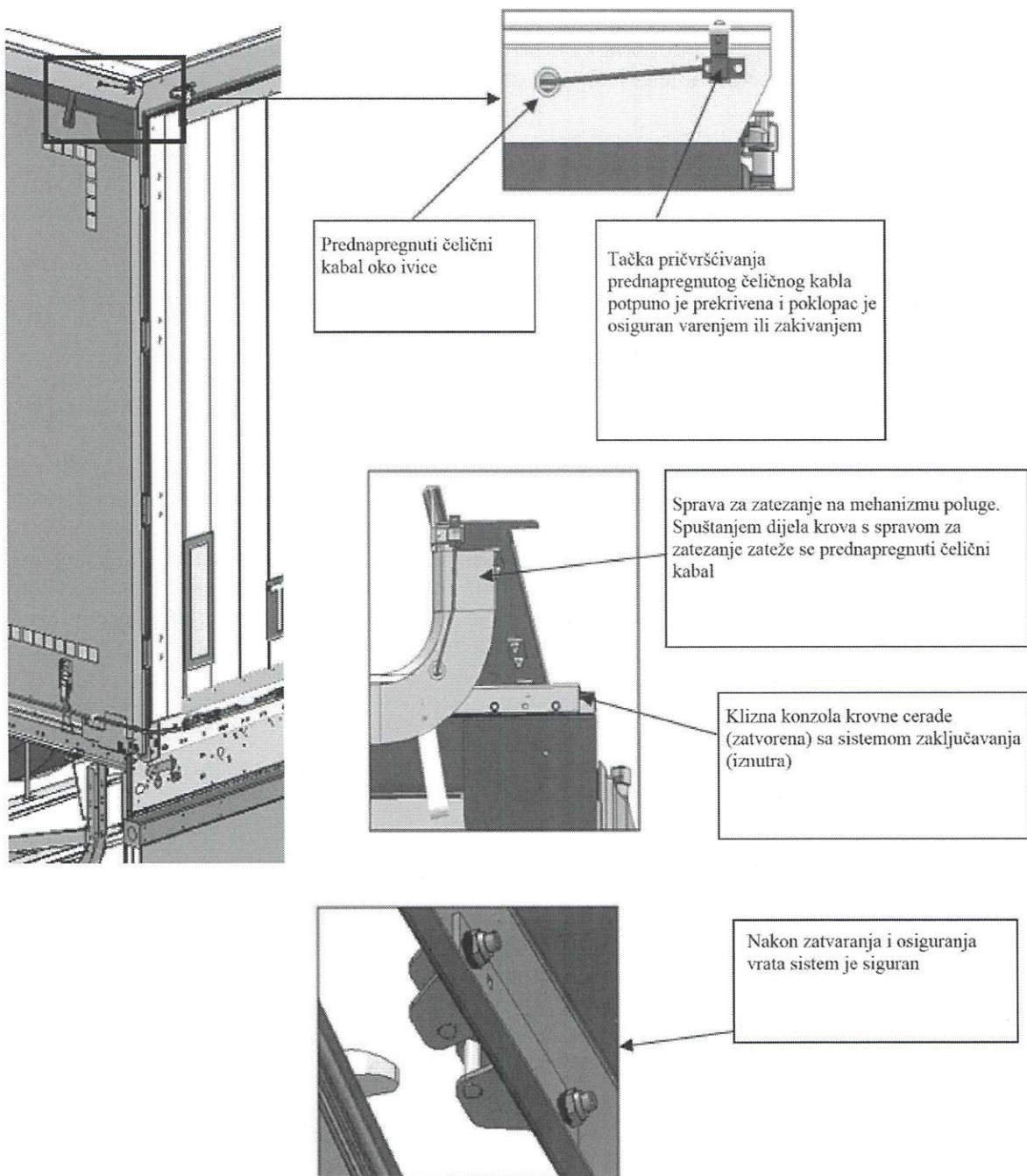
Klizna krovna cerada prekriva čvrsti dio krova na prednjoj strani kontejnera i na taj način onemogućuje podizanje krovne cerade preko ivice gornje vodilice



Skica br. 10. nastavak:

Skica br. 10.3

Na zadnjoj strani na krovu ugrađuje se posebna sprava poput pokrova kojim se nakon zatvaranja i osiguranja vrata onemogućuje pristup kontejneru bez ostavljanja vidljivih tragova.



Izmjene i dopune 34

(Izmjene i dopune koje su usvojene u skladu sa članom 60.
Konvencije i koje su stupile na snagu 1. jula 2018.)

PREDLOŽENE IZMJENE I DOPUNE TIR KONVENCIJE, 1975 usvojene od strane Administrativnog odbora za Konvenciju TIR 12. oktobra 2017. godine

Aneks 6, Objašnjenje 0.8.3

Umjesto 50.000 US\$ treba da stoji 100.000 eura

Aneks 6, Objašnjenje 8.1 bis.6

Dodaje se novo objašnjenje 8.1 bis.6 koje glasi:

Komiteta može zatražiti od nadležnih službi Ujedinjenih nacija da izvrše dodatne preglede. Komisija može, alternativno, odlučiti da angažuje nezavisnog eksternog revizora i ovlasti Izvršni odbor TIR-a da pripremi projektni zadatak revizije, na osnovu predmeta i svrhe revizije koje odredi Komisija. Uslovi referencu odobrava Komisija. Dodatni pregled od strane eksterne osobe nezavisni revizor će rezultirati izvještajem i pismom rukovodstvu koje se dostavlja Komitetu. U takvom slučaju, finansijski trošak angažovanja nezavisnog eksternog revizora, uključujući i odgovarajući postupak nabavke, snosi se iz budžeta Izvršnog odbora TIR-a.

Aneks 8 član 1 bis

Posle stava 3. dodaju se stavovi 4, 5. i 6. koji glase:

„4. Odboru se podnosi i isti provjerava godišnje konsolidovane finansijske izveštaje i revizorski izvještaj(e) koje je međunarodna organizacija podnijela u skladu sa obavezama iz Aneksa 9, Dio III. Kao dio provjera i u okviru svojih ovlašćenja, Odbor može zatražiti dodatne informacije, pojašnjenja ili dokumenta dostavljena od međunarodne organizacije ili međunarodno priznatog nezavisnog revizora.

5. Ne dovodeći u pitanje provjere iz stava 4, Odbor će, na osnovu procjene rizika, zatražiti da se izvrše dodatne provjere. Odbor ovlašćuje Izvršni odbor TIR-a ili nadležne službe Ujedinjenih nacija da sprovedu procjenu rizika.

Obim dodatnih provjera utvrđuje Odbor, uzimajući u obzir procjenu rizika Izvršnog odbora TIR-a ili nadležnih službi Ujedinjenih nacija.

Rezultate svih provjera navedenih u ovom članu, čuva Izvršni odbor TIR-a i biće dostupan svim ugovornim stranama na razmatranje.

6. Postupak sprovođenja dodatnih provjera odobrava Odbor.”

Aneks 9 dio I

U podnaslovu ispred izraza „uslova i zahteva” dodaje se izraz „Minimum”

Aneks 9 dio I stav 1.

Poslije The dodaje se minimum

Aneks 9 dio I stav 7

Izraz „ugovorne strane” mijenja se izrazom „svaka ugovorna strana”.

Aneks 9 dio II Postupak, Uzorak obrasca odobrenja stav 1.
Izraz „odobreno” mijenja se s „ovlašćeno”

Aneks 9 dio III stav 2.

Poslije tačke (n), dodaju se nove tačke (o), (p) i (q) koje glase:

„(o) voditi odvojene izvještaje i račune, koji sadrže informacije i dokumentaciju koja se odnosi na organizaciju i funkcionisanje međunarodnog sistema garancija i štampanje i distribuciju TIR karneta;

(p) obezbijediti potpunu i blagovremenu saradnju, uključujući neograničen pristup navedenim izvještajima i računima nadležnim službama Ujedinjenih nacija ili bilo kom drugom ovlašćenom tijelu i, u svakom trenutku, olakšati dodatne provjere i naknadne kontrole koje obavljaju u ime ugovornih strana, u skladu sa Aneksom 8, član 1 bis, stavovi 5. i 6;

(q) angažovati međunarodno priznatog nezavisnog revizora za vršenje godišnjih revizija izvještaja i računa navedenih u stavu (o). Međunarodno priznati nezavisni revizor vrši kontrole u skladu sa Međunarodnim revizorskim standardima (ISA) i rezultat kontrole navodi u godišnjem revizorskim izvještaju i pismu upravi koji se dostavlja Odboru.

Izmjene i dopuna 35

(Izmjene i dopuna koje su usvojene u skladu sa članom 60

Konvencije i koje su stupile na snagu 3. februara 2019. godine)

PREDLOŽENE IZMJENE I DOPUNA TIR KONVENCIJE, 1975
usvojene od strane

Administrativnog odbora za Konvenciju TIR

12. oktobra 2017. godine

Član 1. stav (q)

Poslije izraza „carinski organi”, dodaje se izraz „ili drugi nadležni organi”

Član 3. stav (b)

Izraz „odobreno” mijenja se s „ovlašćeno”

Član 6. stav 2.

Izraz „odobreno” mijenja se s „ovlašćeno”

Član 11. stav 3.

Izraz „3 mjeseca” mijenja se s „1 mjesec”

Član 38. stav 1.

Postojeći tekst mijenja se sljedećim tekstom:

„Svaka ugovorna strana ima pravo da privremeno ili trajno liši prava korišćenja odredbi ove konvencije svako lice koje je okrivljeno za tešku ili ponovljenu povredu carinskih propisa ili propisa koji se primjenjuju prilikom međunarodnog prevoza robe. Uslove za tešku povredu carinskih propisa propisuje svaka ugovornih strana.”

Izmjene i dopune 36

(Izmjene i dopune koje su usvojene u skladu sa članom 59 Konvencije i koje su stupile na snagu 1. septembra 2021. godine)

PREDLOŽENE IZMJENE I DOPUNE TIR KONVENCIJE, 1975 usvojene od strane Administrativnog odbora za Konvenciju TIR 18. februara 2020. godine

1. U članu 1. stav 1. poslije tačke (r) dodaje se nova tačka (s) koja glasi:

"(s) Izraz "eTIR postupak" označava TIR postupak koji se sprovodi elektronskom razmjenom podataka i predstavlja funkcionalni ekvivalent karnetu TIR. U slučaju TIR postupka primjenjuju se odredbe Konvencije TIR, dok su specifičnosti postupka eTIR propisane Aneksom 11."

2. Član 3 tačka (b) mijenja se i glasi:

"(b) Postupak prevoza mora biti obezbijeđen od udruženja u skladu sa odredbama člana 6. On se mora obaviti na osnovu TIR karneta, koji će biti u skladu sa obrascem datim u Aneksu 1 ove Konvencije ili na osnovu eTIR postupka."

3. U prvom redu člana 43. izrazi: "i 7, dio III" mijenjaju se s:

"7, dio III i Aneksu 11, dio II"

4. Poslije člana 58. b dodaje se novi član 58. c, koji glasi:

Član 58. c **Organ za tehničku implementaciju**

Uspostavlja se organ za tehničku implementaciju. Njegov sastav, funkcionisanje i poslovnik (pravila procedura) propisani su Aneksom 11."

5. Član 59 mijenja se i glasi:

"1. Ova konvencija, uključujući i njene priloge, može se izmijeniti i dopuniti na predlog jedne strane ugovornice, a po postupku navedenom u ovom članu.

2. Izuzev u slučajevima predviđenim članom 60 bis, sve predložene izmjene i dopune ove konvencije razmatra Administrativni komitet sastavljen od svih strana ugovornica u skladu sa poslovníkom o radu utvrđenom u prilogu 8. Svaku takvu izmjenu i dopunu koju je Administrativni komitet razmatrao ili pripremio u toku zasijedanja i koja je usvojena dvotrećinskom većinom prisutnih članova koji glasaju, generalni sekretar Ujedinjenih nacija će dostaviti stranama ugovornicama radi prihvatanja.

3. Izuzev u slučajevima predviđenim članovima 60 i 60 bis, svaka predložena izmjena i dopuna, dostavljena u skladu sa prethodnim stavom, stupiće na snagu za sve strane ugovornice tri mjeseca nakon isteka roka od dvanaest mjeseci od datuma saopštavanja predložene izmjene i

dopune tokom kojeg država koja je ugovorna strana nije saopštila generalnom sekretaru Ujedinjenih nacija nijedan prigovor na predloženu izmjenu i dopunu.

4. Ako je na predloženu izmjenu i dopunu saopšten prigovor u skladu sa stavom 3 ovog člana, smatraće se da izmjena i dopuna nije prihvaćena i neće imati dejstva"

6. Poslije člana 60. dodaje se novi član 60 bis, koji glasi:

"Član 60. bis

Poseban postupak za stupanje na snagu Aneksa 11 i njegovih izmjena

1. Aneks 11, razmatran u skladu sa st. 1. i 2. člana 59. stupiće na snagu za sve ugovorne strane tri mjeseca nakon isteka roka od 12 mjeseci od datuma kada je Generalni sekretar UN obavijestio ugovorne strane, osim onih država koje su pismeno obavijestile Generalnog sekretara u roku od tri mjeseca o neprihvatanju Aneksa 11. Aneks 11 stupa na snagu za ugovorne strane koje su povukle svoje obavještenje o neprihvatanju šest mjeseci od datuma kada je depozitar primio obavještenje o povlačenju.

2. Svaka predložena izmjena Aneksa 11 razmatra se na Administrativnom odboru. Ta izmjena se usvaja većinom glasova prisutnih ugovornih strana koje su prihvatile Aneks 11.

3. Izmjene Aneksa 11 razmatrane i usvojene u skladu sa stavom 2. ovog člana, Generalni sekretar UN dostavlja svim ugovornim stranama kao informaciju, odnosno za ugovorne strane koje su se obavezale Aneksom 11, na prihvatanje.

4. Datum stupanja na snagu ovih izmjena određuju, u trenutku njihovog usvajanja, prisutne ugovorne strane koje su prihvatile Aneks 11.

5. Izmjene stupaju na snagu u skladu sa stavom 4. ovog člana, ukoliko do nekog ranijeg datuma utvrđenog u trenutku usvajanja, jedna petina ili pet država, ugovornih strana koje su prihvatile Aneks 11, zavisno koji je broj manji, ne obavijesti Generalnog sekretara da imaju prigovor na predložene izmjene.

6. Pošto stupa na snagu, svaka izmjena usvojena u skladu sa stavovima od 2. do 5. ovog člana, zamjenjuje za sve ugovorne strane koje su prihvatile Aneks 11, sve prethodne odredbe na koje se ova izmjena odnosi."

8. U članu 61, poslije: "na osnovu čl. 59. i 60." dodaje se: "i 60 bis".

9. U Aneksu 9, dio I, stav 3. poslije tačke (h) dodaje se nova tačka (xi), koja glasi:

"xi) na zahtjev nadležnih organa ugovorne strane koje su prihvatile Aneks 11, u slučaju rezervnog postupka iz člana 10. stav 2. Aneksa 11, potvrđuju da je garancija validna i da se TIR prevoz može obavljati po eTIR postupku, kao i da pružaju ostale relevantne informacije u vezi sa TIR prevozom."

10. Poslije Aneksa 10 dodaje se Aneks 11. koji glasi:

Aneks 11 E TIR POSTUPAK

Dio I

Član 1

Oblast primjene

1. Odredbe ovog Aneksa regulišu primjenu eTIR postupka na način propisan članom 1. stav 1. tačka (s) Konvencije i primjenjuju se u ugovornim stranama koje su prihvatile ovaj Aneks, propisan članom 60 bis, stav 1.
2. Postupak eTIR ne može se primjenjivati na prevoze koji se jednim dijelom obavljaju na teritoriji ugovorne strane koja nije prihvatila Aneks 11 i to je država članica carinske ili ekonomske unije koja čini jedinstveno carinsko područje.

Član 2

Definicije

U svrhe ovog Aneksa izraz:

- (a) "eTIR međunarodni sistem" znači sistem informacionih i komunikacionih tehnologija koji omogućava razmjenu elektronskih informacija između učesnika u eTIR postupku.
- (b) "specifikacije eTIR" znače konceptualne, funkcionalne i tehničke specifikacije eTIR postupka usvojene i izmijenjene u skladu sa odredbama člana 5. ovog Aneksa.
- (c) "prethodni TIR podaci" znače podatke koji su podnijeti nadležnim organima zemlje polaska, u skladu sa eTIR specifikacijama, o namjeri nosioca da robu stavi u eTIR postupak.
- (d) "prethodni podaci o izmjeni" znače podatke koji su podnijeti nadležnim organima zemlje u kojoj je zahtijevana izmjena podataka u deklaraciji, u skladu sa eTIR specifikacijama u vezi sa namjerom nosioca da izmijeni podatke u deklaraciji.
- (e) "podaci deklaracije" znače prethodne TIR podatke i prethodne podatke o izmjeni koje su prihvatili nadležni organi.
- (f) "deklaracija" znači radnju kojom nosilac ili njegov zastupnik zahtijeva, u skladu sa eTIR specifikacijama, da stavi robu u eTIR postupak. Od trenutka prihvatanja deklaracije od strane nadležnih organa, na osnovu prethodnih TIR podataka i prethodnih podataka o izmjeni, i prenosa podataka deklaracije u eTIR međunarodni sistem, deklaracija se smatra pravnim ekvivalentom prihvaćenog TIR karneta.
- (g) "prateći dokument" znači štampani dokument koji je carinski sistem elektronski generisao nakon prihvatanja deklaracije, u skladu sa smjernicama iz tehničkih specifikacija eTIRa. Prateći dokument može se koristiti za evidentiranje nezgoda u toku puta i zamjenjuje ovjereni zapisnik o nalazu iz člana 25. ove konvencije, kao i za rezervni postupak.
- (h) "potvrda" označava elektronski postupak koji omogućava elektronsku identifikaciju fizičkog ili pravnog lica, kao i potvrđivanje porijekla i integriteta podataka u elektronskoj formi.

Član 3

Uvođenje eTIR postupka

1. Ugovorne strane obavezuju se u skladu sa Aneksom 11 da povežu svoje carinske sisteme sa eTIR međunarodnim sistemom u skladu sa eTIR specifikacijama.

2. Svaka ugovorna strana može sama da utvrdi datum do kojeg će povezati svoj carinski sistem sa eTIR međunarodnim sistemom. O datumu povezivanja obavještavaju se ugovorne strane koje su prihvatile Aneks 11 najmanje šest mjeseci prije datuma efektivnog povezivanja.

Član 4

Sastav, funkcionisanje i pravila procedura Organa za tehničku implementaciju

1. Ugovorne strane koje su prihvatile Aneks 11 članice su Organa za tehničku implementaciju. Sastanci se redovno održavaju u jednakim vremenskim intervalima ili na zahtjev Administrativnog odbora, u zavisnosti od potreba održavanja eTIR specifikacija. Administrativni odbor redovno se obavještava o aktivnostima i razmatranjima Organa za tehničku implementaciju.

2. Ugovorne strane koje nisu prihvatile Aneks 11 u skladu sa članom 60 bis, stav 1. i predstavnici međunarodnih organizacija mogu da prisustvuju sjednicama Organa za tehničku implementaciju kao posmatrači.

3. Organ za tehničku implementaciju nadgleda tehničke i funkcionalne aspekte uvođenja eTIR postupka, koordinira i podstiče razmjenu informacija o pitanjima iz njegove nadležnosti.

4. Organ za tehničku implementaciju na svom prvom sastanku usvaja pravila procedura i podnosi ih Administrativnom odboru na usvajanje od strane ugovornih strana koje su prihvatile Aneks 11.

Član 5

Postupak usvajanja, izmjena i dopuna eTIR specifikacija

Organ za tehničku implementaciju:

(a) usvaja tehničke specifikacije eTIR postupka, kao i njihove izmjene, u cilju usklađivanja sa funkcionalnim specifikacijama eTIR postupka. U trenutku usvajanja odlučuje o odgovarajućem prelaznom periodu za njihovo uvođenje.

(b) priprema funkcionalne specifikacije eTIR postupka i njihove izmjene i dopune u cilju usaglašavanja sa konceptualnim specifikacijama eTIR postupka. One će biti dostavljene Administrativnom odboru na usvajanje većinom glasova prisutnih ugovornih strana koje su prihvatile Aneks 11, radi primjene i, kada se zahtjeva, razvoja tehničkih specifikacija na datum koji je utvrđen prilikom usvajanja.

(c) razmatra izmjene i dopune konceptualnih specifikacija eTIR postupka na zahtev Administrativnog odbora. Konceptualne specifikacije eTIR postupka i njihove izmjene usvaja većinom glasova prisutnih ugovornih strana koje su prihvatile Aneks 11, i, kada se zahtijeva, razvoja tehničkih specifikacija na datum koji je utvrđen prilikom usvajanja.

Član 6

Podnošenje prethodnih TIR podataka i prethodnih podataka o izmjenama i dopunama

1. Prethodne TIR podatke i prethodne podatke o izmjenama i dopunama podnosi nosilac ili njegov zastupnik, nadležnim organima zemlje polaska i zemlje u kojoj se zahtjevala izmjena i dopuna podataka u deklaraciji. Kada se deklaracija, ili izmjena i dopuna deklaracije prihvati u skladu sa nacionalnim zakonodavstvom, nadležni organi prosleđuju podatke iz deklaracije ili izmjene i dopune deklaracije u eTIR međunarodni sistem.
2. Prethodni TIR podaci i izmjene i dopune podataka iz stava 1. podnose se direktno nadležnim organima ili putem eTIR međunarodnog sistema.
3. Ugovorna strana u skladu sa Aneksom 11, prihvata podnijete prethodne TIR podatke i prethodne podatke o izmjenama i dopunama putem eTIR međunarodnog sistema.
4. Nadležni organi objaviće spisak svih elektronskih sredstava pomoću kojih se mogu podnijeti prethodni TIR podaci i prethodni podaci o izmjenama i dopunama.

Član 7

Potvrda

1. Prihvatanjem deklaracije u zemlji polaska ili izmjene podataka u deklaraciji u bilo kojoj zemlji duž pravca putovanja, nadležni organi potvrđuju autentičnost prethodnih TIR podataka, ili prethodnih podataka o izmjeni i nosioca u skladu sa nacionalnim zakonodavstvom.
2. Ugovorne strane obavezuju se u skladu sa Aneksom 11 da prihvate potvrdu autentičnosti nosioca izvršenu od strane eTIR međunarodnog sistema.
3. Nadležni organi objaviće spisak mehanizma potvrde autentičnosti, osim onih kojih su navedeni u stavu 2. ovog člana koji se mogu koristiti za potvrdu autentičnosti.
4. Ugovorne strane koje su se obavezale Aneksom 11 dužne su da prihvate podatke koje su primile od nadležnih organa zemlje otpreme i dopreme i zemlje u kojoj se zahtijevala izmjena i dopuna deklaracije putem međunarodnog sistema eTIR kao pravni ekvivalent prihvaćenog karneta TIR.

Član 8

Uzajamno priznanje potvrde autentičnosti nosioca

Potvrda autentičnosti nosioca koju sprovodi nadležni organ ugovorne strane u skladu sa Aneksom 11 koja prihvata deklaraciju ili izmjene podataka u deklaraciji biće priznate od strane nadležnih organa svih ugovornih strana koje su prihvatile Aneks 11 u toku cijelog TIR prevoza.

Član 9

Dodatni zahtjevi za podacima

1. Pored podataka navedenih u funkcionalnim i tehničkim specifikacijama, nadležni organi mogu zahtijevati dodatne podatke u skladu sa nacionalnim zakonodavstvom.

2. Nadležni organi treba, u mjeri u kojoj je to moguće, da ograniče zahtjeve za podacima na one sadržane u funkcionalnim i tehničkim specifikacijama i da nastoje da olakšaju dostavljanje dodatnih podataka kako ne bi ometali obavljanje TIR prevoza izvršenih u skladu s ovim Aneksom.

Član 10

Rezervni postupak

1. Ako se eTIR postupak iz tehničkih razloga ne može pokrenuti u polaznoj carinarnici, nosilac TIR karneta može se vratiti na TIR postupak.

2. Ako je eTIR postupak započeo ali ne može da se nastavi iz tehničkih razloga, nadležni organi prihvataju prateći dokument i obrađuju ga na način opisan u eTIR specifikacijama, pod uslovom dostupnosti dodatnih informacija iz alternativnih elektronskih sistema na način kako je to opisano u funkcionalnim i tehničkim specifikacijama.

3. Nadležni organi ugovornih strana mogu tražiti od nacionalnih udruženja garanata da potvrde validnost garancije, da se TIR prevoz obavlja u skladu sa eTIR postupkom i da pružaju druge informacije relevantne za navedeni TIR prevoz.

4. Postupak opisan u stavu 3. utvrđuje se sporazumom nadležnih organa i nacionalnog udruženja garanata, na način kako je to propisano Aneksom 9 Dio I stav 1. tačka (d).

Član 11

Nadležnost nad eTIR međunarodnim sistemom

1. Nadzor i upravljanje eTIR međunarodnim sistemom je pod pokroviteljstvom Ekonomske komisije Ujedinjenih nacija za Evropu (ECE).

2. Ekonomska komisija će pomoći zemljama u povezivanju njihovih carinskih sistema sa eTIR međunarodnim sistemom, uključujući testiranje usaglašenosti kako bi se omogućilo njihovo pravilno funkcionisanje prije operativne primjene.

3. Potrebna sredstva za ispunjavanje obaveza iz st. 1. i 2. ovog člana stavljaju se na raspolaganje Ekonomskoj komisiji. Ukoliko se eTIR međunarodni sistem ne finansira sredstvima iz redovnog budžeta Ujedinjenih nacija, potrebna sredstva obezbjeđuju se u skladu sa pravilima i propisima za vanbudžetske fondove i projekte Ujedinjenih nacija. O načinu finansiranja potrebnog za funkcionisanje eTIR međunarodnog sistema pri Ekonomskoj komisiji odlučuje i odobrava ga Administrativni odbor.

Član 12

Upravljanje eTIR međunarodnim sistemom

1. Ekonomska komisija utvrđuje odgovarajuće mjere za čuvanje i arhiviranje podataka u eTIR međunarodnom sistemu za minimalni period od 10 godina.

2. Sve podatke koji se čuvaju u eTIR međunarodnom sistemu može koristiti Ekonomska komisija u ime nadležnih organa ove konvencije u statističke svrhe.

3. Nadležni organi ugovornih strana na čijoj teritoriji se obavlja TIR- prevoz po eTIR postupku, a koji postane predmet upravnog ili zakonodavnog postupka u vezi sa obavezom plaćanja od strane lica koje je direktno odgovorno ili od nacionalnog udruženja garanata, mogu zatražiti od Ekonomske komisije da dostavi informacije iz eTIR međunarodnog sistema koje se odnose na sporno potraživanje radi verifikacije. Ove informacije mogu biti podnijete kao dokaz u nacionalnom upravnom ili zakonodavnom postupku.

4. U slučajevima koji nisu navedeni u ovom članu, nije dozvoljeno širenje ili otkrivanje podataka arhiviranih u eTIR međunarodnom sistemu neovlašćenim fizičkim ili pravnim licima.

Član 13

Objava carinskih ispostava nadležnih za eTIR

Nadležni organi obezbjeđuju ažuriran spisak polaznih, tranzitnih i odredišnih carinskih ispostava odobrenih za TIR operacije na osnovu eTIR postupka, u elektronskoj bazi podataka odobrenih carinskih ispostava, koje održava Izvršni odbor TIR-a.

Član 14

Zakonski uslovi za dostavljanje podataka u skladu sa Aneksom 10 Konvencije TIR

Zakonski uslovi za dostavljanje podataka, propisanih Aneksom 10, st. 1, 3. i 4. ove konvencije, smatraju se ispunjenim uvođenjem eTIR postupka.

Dio II

Objašnjenje uz Aneks 11, član 2 (h)

11.2. (h)-1 Sve dok se usklađeni pristup ne utvrdi i opiše u specifikacijama eTIR, ugovorne strane koje obavezuje Aneks 11 mogu vršiti autentifikaciju nosioca bilo kojim postupkom predviđenim njihovim nacionalnim propisima, uključujući, između ostalog, korisničko ime/lozinku ili elektronske potpise.

11.2. (h)-2 Integritet podataka koji se razmjenjuju između međunarodnog sistema eTIR i nadležnih organa, kao i autentifikacija sistema informacione i komunikacione tehnologije (IKT) obezbijediće se sigurnim vezama, kao što je definisano u tehničkim specifikacijama eTIR.

Objašnjenje uz Aneks 11, član 3. stav 2.

11.3.2. Ugovornim stranama koje obavezuje Aneks 11 preporučuje se da ažuriraju svoj nacionalni carinski sistem i da obezbijede njegovo povezivanje sa međunarodnim sistemom eTIR čim Aneks 11 stupi na snagu za njih. Carinske ili privredne unije mogu odlučiti o kasnijem datumu, da bi imali dovoljno vremena da povežu nacionalne carinske sisteme svih svojih država članica sa međunarodnim sistemom eTIR.

Objašnjenje uz Aneks 11, član 6. stav 3

11.6.3. Ugovornim stranama koje obavezuje Aneks 11 preporučuje se da u najvećoj mogućoj mjeri priznaju podnošenje prethodnih podataka TIR i prethodnih podataka o izmjenama uz pomoć metoda navedenih u funkcionalnim i tehničkim specifikacijama.

Objašnjenje uz Aneks 11, član 7. stav 2.

11.7.2. Međunarodni sistem eTIR obezbjeđuje, na načine opisane u specifikacijama eTIR, integritet prethodnih podataka TIR ili prethodnih podataka o izmjenama, kao i to da je podatke poslao nosilac.

Objašnjenje uz Aneks 11, član 7. stav 4.

11.7.4. Međunarodni sistem eTIR obezbjeđuje, na načine opisane u specifikacijama eTIR, integritet podataka iz deklaracije, kao i to da su podatke poslali nadležni organi zemalja uključenih u prevozu.

Objašnjenje uz Aneks 11, član 8.

11.8. Međunarodni sistem eTIR obezbjeđuje, na načine opisane u specifikacijama eTIR, integritet podataka iz deklaracije, uključujući i reference za nosioca, čiju su autentifikaciju izvršili nadležni organi koji prihvataju deklaraciju, a koje su primili nadležni organi ili se šalju nadležnim organima.

Objašnjenje uz Aneks 11, član 11. stav 3.

11.11.3. Ako je to potrebno, ugovorne strane mogu odlučiti da finansiraju operative troškove međunarodnog sistema eTIR iznosom po TIR prevozu. U takvim slučajevima, ugovorne strane odlučuju o odgovarajućem roku za uvođenje alternativnih mehanizama finansiranja i o njihovim modalitetima. Neophodni budžet priprema Ekonomska komisija Ujedinjenih nacija za Evropu, pregled vrši Organ za tehničku implementaciju, a odobrava ga Administrativni odbor."

Dopuna 37

(Dopuna koja je usvojena u skladu sa članom 60 Konvencije i koja je stupila na snagu 1. juna 2021. godine)

PREDLOŽENA DOPUNA TIR KONVENCIJE, 1975
usvojena od strane
Administrativnog odbora za Konvenciju TIR
14-15. oktobra 2020. godine

U Aneksu 6 dodaje se novo objašnjenje člana 49. koje glasi:

"0.49 Ugovorne strane mogu da, u skladu sa svojim nacionalnim zakonodavstvom, odobre propisno ovlašćenim licima veće olakšice u vezi sa primjenom odredbi ove konvencije. Minimum propisanih uslova koje nadležni organi provjeravaju prilikom odobravanja ovih olakšica obuhvataju primjenu informacionih i komunikacionih tehnologija kako bi se obezbijedilo ispravno sprovođenje TIR postupka, izuzeće od obaveze podnošenja robe, drumskih vozila, skupa vozila ili kontejnera zajedno sa TIR karnetom u polaznim ili odredišnim carinskim ispostavama, kao i da lica navedena u odobrenju sprovode specifične radnje koje Konvencija TIR 1975 propisuje za carinske organe, a posebno, popunjavanje i ovjeru TIR karneta, i postavljanje ili provjeru carinskih plombi. Nosioci odobrenja moraju da uspostave sistem za vođenje evidencije kojim se carinskim organima omogućava sprovođenje efikasnih carinskih kontrola, kao i vršenje nadzora nad svojim procedurama i sprovođenje sporadičnih kontrola. Odobrene olakšice ne isključuju odgovornost nosioca TIR karneta propisane članom 11. stav 2. Konvencije."

Izmjene i dopuna 38

(Izmjene i dopuna koje su usvojene u skladu sa članom 60 Konvencije i koje su stupile na snagu 4. februara 2022. godine)

PREDLOŽENE IZMJENE I DOPUNA TIR KONVENCIJE, 1975 usvojene od strane Administrativnog odbora za Konvenciju TIR 14-15. oktobra 2020. godine

1. U članu 6. stav 1.

Izraz: "Svaka ugovorna strana može da" mijenja se izrazom: "Carinski organi ili drugi nadležni organi ugovorne strane mogu da"

2. U članu 20. prvi red

Postojeći tekst mijenja se sljedećim tekstom:

"Za prevoz na području ugovorne strane ili nekoliko ugovornih strana koje čine carinsku ili ekonomsku uniju, nadležni carinski organi"

3. U članu 38. stav 2. prvi red: "u roku od nedelju dana" mijenja se s: "bez odlaganja"

4. U Aneksu 6, objašnjenje člana 6. stav 2. izraz: "zemlje mogu da odobre" mijenja se s: "ugovorne strane mogu da ovlaste"

5. U Aneksu 6, objašnjenje člana 8. stav 3. na kraju stava: "200 000 američkih dolara" mijenja se s: "400 000 eura"

6. U Aneksu 6, objašnjenje člana 38. stav 2. red 3. izraz: "smatra se" mijenja se s: "biće"

7. U Aneksu 6, objašnjenje člana 45. dodaje se novo objašnjenje 0.45-1 člana 45. koje glasi:

"0.45-1 Odredba kojom se nalaže objavljivanje spiska polaznih, tranzitnih i odredišnih carinskih ispostava koje imaju odobrenje za obavljanje poslova TIR postupka smatra se ispunjenom i objavljivanjem u aplikaciji koja je u ovu svrhu razvijena od strane Sekretarijata TIR, a pod nadzorom Izvršnog odbora TIR."

Broj postojećeg objašnjenja: "0.45-1" mijenja se u : "0.45-2"

8. U Aneksu 6, objašnjenje Aneksa 9 dio II stav 4. izraz: "zahtjevi za podnošenje podataka, iz stava 4. smatraju se ispunjenim" mijenja se s: "podaci, iz stava 4, biće dostavljeni"

9. U Aneksu 9 dio I stav 1. izraz: "ugovornih strana" mijenja se s: "carinskih organa ili drugih nadležnih organa ugovorne strane"

10. U Aneksu 9 dio II stav 4. prvi red izraz: "u roku od nedjelju dana" mijenja se s: "bez odlaganja"

11. U Aneksu 9 dio II stav 4. na kraju stava izraz: "u skladu sa priloženim uzorkom obrasca odobrenja (MAF)" mijenja se s:

"uključujući:

(a) Pojedinačni i jedinstveni identifikacioni (ID) broj koji je udruženje garanata, u saradnji sa međunarodnom organizacijom u koju je učlanjeno, dodijelilo tom licu, u skladu sa usklađenim formatom koji određuje Administrativni odbor;

(b) Ime/naziv i adresu fizičkih ili pravnih lica, a u slučaju poslovnog udruženja, takođe i imena odgovornih lica;

(c) Ime kontakt osobe sa svim podacima; i

(d) Broj upisa u registar djelatnosti ili broj dozvole za obavljanje međunarodnog prevoza ili neki drugi broj (ako je na raspolaganju)."

12. U Aneksu 9 dio II stav 5. postojeći tekst mijenja se s sljedećim tekstom:

"Udruženje će nadležnim organima i Izvršnom odboru TIR, dostaviti svaku promjenu u podacima ovlašćenih lica, bez odlaganja, od trenutka kada ovo udruženje sazna za tu promjenu."

13. U Aneksu 9 dio II, Obrazac odobrenja (MAF) kao i pripadajući tekst brišu se.

Izmjene i dopune 39

(Izmjene i dopune koje su usvojene u skladu sa članom 59 Konvencije i koje su stupile na snagu 25. juna 2022. godine)

PREDLOŽENE IZMJENE I DOPUNE TIR KONVENCIJE, 1975

usvojene od strane
Administrativnog odbora za Konvenciju TIR
9-11. februara 2021. godine

1. U članu 18. stav 1. red 3. izraz: "četiri" mijenja se s izrazom: "osam".

U članu 18. dodaje se novi stav koji glasi:

"Carinski organi mogu ograničiti maksimalni broj polaznih (ili odredišnih) carinskih ispostava na svojoj teritoriji na manje od sedam, ali ne manje od tri."

2. U Aneksu 1 verzija 1 strana 2 korice: Model TIR karneta, broj 5 od "regles relatives a l'utilisation du carnet TIR" izraz: "quatre" mijenja se s: "huit".

3. U Aneksu 1 verzija 1 strana 3 korice: Model TIR karneta, verzija 1, broj 5 od "rules regarding the use of the TIR Carnet" izraz "four" mijenja se s izrazom: "eight".

4. U Aneksu 1 verzija 1 strana 5 (bijela) modela TIR karneta, Kupon broj 1 se mijenja.

5. U Aneksu 1 verzija 1 strana 6 (zelena) modela TIR karneta, verzija 1, Kupon broj 2 se mijenja.

6. U Aneksu 1 verzija 2 strana 2 korica: Model TIR karneta, broj 5 od "regles relatives a l'utilisation du carnet TIR" izraz "quatre" mijenja se s izrazom: "huit"

7. U Aneksu 1 verzija 2 strana 3 korica: Model TIR karneta, verzija 1, broj 5 od "rules regarding the use of TIR Carnet" izraz "four" mijenja se s izrazom: "eight".

8. U Aneksu 1 verzija 2 strana 12 (bijela) modela TIR karneta, Kupon broj 1 se mijenja.

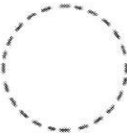
9. U Aneksu 1 verzija 2 strana 13 (zelena) modela TIR karneta, Kupon broj 2 se mijenja.

10. U Aneksu 6, dodaje se novo Objašnjenje člana 18 koje glasi:

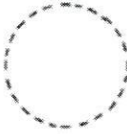
"0.18.3 Ugovorne strane će informacije o takvim ograničenjima učiniti javno dostupnim i obavijestiti Izvršni odbor TIR, uključujući i pravilno korišćenje elektronskih aplikacija koje je u tu svrhu razvio TIR Sekretarijat pod nadzorom Izvršnog odbora TIR."

GOODS MANIFEST

VOUCHER N°1				1. TIR CARNET	
2. Customs office(s) of departure		For official use		3. Name of the international organization	
1				 International Road Transport Union	
2				4. Holder of the carnet (identification number, name, address and country)	
3		5. Country of departure			
4		6. Country of destination			
5				6. Documents attached to the manifest	
6		7. Registration No(s). of road vehicle(s)			
7					
9. a. Load compartment(s) or container(s) b. Marks and Nos. of packages or articles		10. Number and type of packages or articles; description of goods		11. Gross weight in kg	16. Seals or identification marks applied, (number, identification)
					17. Customs office of departure. Customs officer's signature and Customs office date stamp
12. Total number of packages entered on the manifest		Number	Destination : Bureau de douane	Number	13. I declare the information in items 1-12 above to be correct and complete
Destination : Customs office					
1					14. Place and date
2					15. Signature of holder or agent
3					
4					
18. Certificate for goods taken under control (Customs office of departure or of entry en route)					
☐ 19. Seals or identification marks found to be intact		20. Time-limit for transit			

21. Registered by the Customs office at	under No.
22. Miscellaneous (Itinerary stipulated, Customs office at which the load must be produced, etc.)	
23. Customs officer's signature and Customs office date stamp	

COUNTERFOIL N° 1
of TIR CARNET

1. Accepted by the Customs office at _____	6. Customs officer's signature and Customs office date stamp  _____
2. Under No. _____	
3. Seals or identification marks applied _____	
☐ 4. Seals or identification marks found to be intact	
5. Miscellaneous (route prescribed, Customs office at which the load must be produced, etc.) _____	

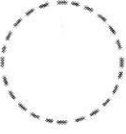
VOUCHER N°2				1. TIR CARNET	
2. Customs office(s) of departure		For official use		3. Name of the international organization	
1.				 International Road Transport Union	
2.					
3.					
4.		5. Country of departure		6. Country of destination	
5.					
6.		4. Holder of the carnet (identification number, name, address and country)			
7.					
8.					
9.					
10.		6. Documents attached to the manifest			
11.					
12.					
13.					
14.		7. Registration No(s) of road vehicle(s)			
15.					
16.					
17.					
18.		10. Number and type of packages or articles; description of goods		11. Gross weight in kg	
19.					
20.					
21.					
22.		12. Total number of packages entered on the manifest		13. I declare the information in items 1-12 above to be correct and complete	
23.					
24.					
25.					
26.		14. Place and date		15. Signature of holder or agent	
27.					
28.					
29.					
30.		16. Seals or identification marks applied, (number, identification)		17. Customs office of departure. Customs officer's signature and Customs office date stamp	
31.					
32.					
33.					
34.		18. Certificate for goods taken under control (Customs office of departure or of entry en route)		24. Certificate of termination of the TIR operation (Customs office of exit en route or of destination)	
35.					
36.					
37.					
38.		19. Seals or identification marks found to be intact		20. Time-limit for transit	
39.					
40.					
41.					
42.		25. Seals or identification marks found to be intact		26. Seals or identification marks found to be intact	
43.					
44.					
45.					

21. Registered by the Customs office at _____	under No _____	26. Number of packages for which the termination of the TIR operation is certified _____
22. Miscellaneous (itinerary stipulated, Customs office at which the load must be produced, etc.) _____		27. Reservations _____
23. Customs officer's signature and Customs office date stamp _____		28. Customs officer's signature and Customs office date stamp _____

COUNTERFOIL N° 2 _____ **of TIR CARNET**

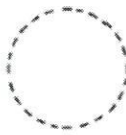
1. Accepted by the Customs office at _____	5. Customs officer's signature and Customs office date stamp _____
☐ 2. Seals or identification marks found to be intact	
3. Number of packages for which the termination of the TIR operation is certified (as specified in the manifest) _____	
4. New seals affixed _____	
5. Reservations _____	

VOUCHER N°1				1. TIR CARNET	
2. Customs office(s) of departure		For official use		3. Name of the international organization	
4. Holder of the carnet (identification number, name, address and country)					
5. Country of departure				6. Country of destination	
7. Registration No(s). of road vehicle(s)				8. Documents attached to the manifest	
9. a. Load compartment(s) or container(s) b. Marks and Nos. of packages or articles		10. Number and type of packages or articles; description of goods		11. Gross weight in kg	
				16. Seals or identification marks applied (number, identification)	
				17. Customs office of departure. Customs officer's signature and Customs office date stamp	
12. Total number of packages entered on the manifest		Number		Destination : Bureau de douane	
Destination : Customs office				13. I declare the information in items 1-12 above to be correct and complete	
1.		4.		14. Place and date	
2.		5.		15. Signature of holder or agent	
3.		6.			
18. Certificate for goods taken under control (Customs office of departure or of entry en route)					
19. Seals or identification marks found to be intact		20. Time-limit for transit			

21. Registered by the Customs office at	under No.
22. Miscellaneous (itinerary stipulated, Customs office at which the load must be produced, etc.)	
23. Customs officer's signature and Customs office date stamp	

COUNTERFOIL N° 1

of TIR CARNET

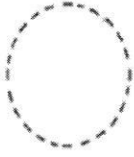
1. Accepted by the Customs office at _____	6. Customs officer's signature and Customs office date stamp  _____
2. Under No. _____	
3. Seals or identification marks applied _____	
☐ 4. Seals or identification marks found to be intact	
5. Miscellaneous (route prescribed, Customs office at which the load must be produced, etc.) _____	

GOODS MANIFEST

VOUCHER N°2				1. TIR CARNET	
2. Customs office(s) of departure		For official use		3. Name of the international organization	
1.				 International Road Transport Union	
2.				4. Holder of the carnet (identification number, name, address and country)	
3.		5. Country of departure	6. Country of destination		
4.					
5.		7. Registration No(s). of road vehicle(s)		8. Documents attached to the manifest	
6.					
7.					
9. a. Load compartment(s) or container(s) b. Marks and Nos. of packages or articles		10. Number and type of packages or articles; description of goods		11. Gross weight in kg	16. Seals or identification marks applied, (number, identification)
TABAC ALCOOL TOBACCO ALCOHOL					17. Customs office of departure. Customs officer's signature and Customs office date stamp
12. Total number of packages entered on the manifest		Number	Destination : Customs office	Number	13. I declare the information in items 1-12 above to be correct and complete
Destination : Bureau de douane					
1.					14. Place and date
2.					15. Signature of holder or agent
3.					
4.					
18. Certificate for goods taken under control (Customs office of departure or of entry en route)				24. Certificate of termination of the TIR operation (Customs office of exit en route or of destination)	
☐ 19. Seals or identification marks found to be intact		☐ 20. Time-limit for transit		☐ 25. Seals or identification marks found to be intact	

21. Registered by the Customs office at _____	under No _____	26. Number of packages for which the termination of the TIR operation is certified _____
22. Miscellaneous (itinerary stipulated, Customs office at which the load must be produced, etc.) _____		27. Reservations _____
23. Customs officer's signature and Customs office date stamp _____		28. Customs officer's signature and Customs office date stamp _____

COUNTERFOIL N° 2 _____ **of TIR CARNET**

1. Accepted by the Customs office at _____	5. Customs officer's signature and Customs office date stamp _____
☐ 2. Seals or identification marks found to be intact	
3. Number of packages for which the termination of the TIR operation is certified (as specified in the manifest) _____	
4. New seals affixed _____	
5. Reservations _____	

Član 3

Ovaj zakon stupa na snagu osmog dana od dana objavljivanja u „Službenom listu Crne Gore - Međunarodni ugovori”.