

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(81) 211 final

Brussels, 6 May 1981

Recommendation for a
COUNCIL REGULATION (EEC)

amending Regulation (EEC) No 3237/76 on the advance implementation of the Technical Annexes and the advance use of the specimen TIR carnet of the Customs Convention on the international transport of goods under cover of TIR carnets (TIR Convention) of 14 November 1975, Geneva

(submitted to the Council by the Commission)

COM(81) 211 final



EXPLANATORY MEMORANDUM

1. In accordance with the resolution which the conference on the revision of the Customs Convention on the international transport of goods under cover of TIR carnets, meeting in Geneva from 3 to 14 November 1975, adopted at the conclusion of its work, the European Economic Community decided on advance implementation of the provisions of the Technical Annexes and of the specimen TIR carnet of the TIR Convention adopted on 14 November 1975.
2. This advance implementation was enacted in Council Regulation EEC No 3237/76 of 21 December 1976.
3. Since the entry into force of the Regulation, a number of amendments to the Technical Annexes and to the rules regarding the use of the TIR carnet have been adopted applying the amendment procedure provided for in the TIR Convention.
4. It is in the Community's interests that the provisions which the Community already applies within the framework of the TIR Convention should be kept in line with developments in transport techniques, commercial practices and the need to combat fraud and that the provisions should therefore be amended to reflect such developments.
5. The purpose of the following draft Regulation, proposed for adoption by the Council, is to incorporate such amendments into the relevant Community rules.

Recommendation for a Council Regulation (EEC)
amending
Regulation (EEC) No 3237/76
on the advance implementation
of the Technical Annexes and the advance use
of the specimen TIR carnet of the Customs Convention
on the international transport of goods
under cover of TIR carnets (TIR Convention)
of 14 November 1975, Geneva

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the recommendation from the Commission,

Whereas Council Regulation (EEC) No 3237/76 (1) put into effect in the Community the advance implementation of the Technical Annexes and the specimen TIR carnet of the TIR Convention concluded on 14 November 1975;

Whereas a number of amendments have recently been made to the Technical Annexes and to the rules regarding the use of the TIR carnet, under the amending procedure provided for in the Convention;

Whereas, in the interests of the Community, such amendments should be incorporated as soon as possible into the Technical Annexes to the TIR Convention and into the rules regarding the use of the TIR carnet which the Community is implementing in advance;

Whereas one main aim of such amendments is to allow the use of loading lists in support of the TIR carnet, although such loading lists would not have the effect of replacing the manifest of the TIR carnet but of simply being annexed to it;

(1) OJ No L 368, 31.12.1976, p. 1.

Whereas Regulation (EEC) No 3237/76 should therefore be amended,

HAS ADOPTED THIS REGULATION:

Article 1

The Annexes to Regulation (EEC) No 3237/76 are hereby amended as follows:

1. In Annex I, rule 10(c) of the Rules regarding the use of the TIR carnet is replaced by the following: "(c) Separate sheets of the same model as the manifest or commercial documents providing all the information required by the manifest may be attached to the vouchers in such cases, all the vouchers must contain the following particulars:
 - (i) the number of sheets attached (box 10).
 - (ii) the number and type of packages or articles and the total gross weight of the goods listed on the attached sheets (boxes 11 to 13)."
2. In Annex 2, Article 3(8) is replaced by the following:

"8. The spaces between the rings and the spaces between the eyelets shall not exceed 200 mm. The space may however be greater but shall not exceed 300 mm between rings and eyelets on either side of the upright if the construction of the vehicle and the sheet is such as to prevent all access to the load compartment. The eyelets shall be reinforced."
3. In Annex 6 (a) the following Explanatory Note is inserted after the Introduction:

"1 Annex 1

1.10.(c) Rules regarding the use of the TIR carnet

- Loading lists annexed to the goods manifest

No. 10 (c) of the rules regarding the use of the TIR carnet permits the use of loading lists as annexed to the TIR carnet even when there would otherwise be enough space in the manifest to enter all the goods carried. However, this is permissible only if the loading lists contain all the particulars required by the goods manifest in legible and recognizable form and all other provisions of rule 10 (c) are complied with."

(b) the following new Explanatory Note is inserted after Explanatory Note 2.3.6. (b):

"2.3.8. Paragraph 8 - Spaces between the rings and between the eyelets

Spaces exceeding 200 mm but not exceeding 300 mm are acceptable over the uprights if the rings are recessed in the side boards and the eyelets are oval and so small that they can just pass over the rings."

Article 2

The Commission shall inform the Executive Secretary of the Economic Commission for Europe of the provisions adopted in Article 1.

Article 3

This Regulation shall enter into force on 1 June 1981.

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

Done at Brussels,

For the Council
The President