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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 19.12.2008
COM(2008) 849 final

2008/0236 (ACC)

Proposal for a

COUNCIL DECISION

on the position to be taken by the Community concerning the proposal to amend the customs Convention on the International Transport of goods under cover of TIR carnets (TIR Convention 1975)

(presented by the Commission)

EXPLANATORY MEMORANDUM

Context of the Proposal

Ground for and objectives of the proposal

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

The purpose of the proposed Decision is to amend the Explanatory Note to Article 8.3 of the TIR Convention. This amendment concerns the recommended guarantee level for the TIR Carnet. In October 2008 the Working Party on Customs Questions Affecting Transport and the Administrative Committee for the TIR Convention decided that the recommended amount which may be claimed for each TIR Carnet should be changed from 50.000USD to 60.000EUR.

General context

The TIR Convention is administrated by the United Nations Economic Commission for Europe (UNECE) based in Geneva. The Convention established a customs transit procedure for the international movement of goods by road and enables goods, which are under customs and tax suspension, to cross international borders with a minimum of intervention en route by the customs authorities. By easing traditional impediments to the international movement of goods, the TIR system encourages the development of international trade. By reducing delays in transit, it enables significant economies to be made in transport costs. The most important advantage of the system is the fact that the TIR Convention provides, through its international guarantee chain, relatively simple access to the required guarantees. The TIR Carnets is not only a transit declaration but also a guarantee proof. The guarantee level of 50.000USD established in 1975 has never been changed.

Over recent months some Contracting Parties to the Convention expressed their concern regarding the present recommended guarantee level of 50.000USD for TIR transports. They were of the view that current exchange rates and prices are different than those applicable in 1975 and that they therefore have to apply additional control measures, like customs escorts or financial securities. In order to avoid such additional measures and problems an amendment of the Explanatory Note 0.8.3 was proposed. This proposal was discussed by the Working Party on Customs Questions Affecting Transport and the Administrative Committee for the TIR Convention and no objections were raised.

As Community legislation already applies the recommended amount of 60.000EUR the proposed amendment has no effect on the Community.

Existing provisions in the area of the proposal

There are no existing provisions in the area of the proposal

Consistency with the other policies and objectives of the Union

The proposed Decision is consistent with the common policy in trade and transport. The TIR system, providing facilitation in road transport, allows goods to travel across 67 Contracting Parties with a minimum of interference by customs administrations and provides, through an international guarantee chain, relatively simple access to the required guarantees. The simplifications achieved through the TIR Convention are in line with the revised Lisbon strategy.

Consultations of interested parties and impact assessment

Consultation of interested parties

Consultation methods, main sectors targeted and general profile of respondents

Consultations on the proposal were carried out with the International Road Transport Union, all guaranteeing associations and customs authorities from the Contracting Parties to the TIR Convention. Consultations took place also within sessions of the Working Party on Customs Questions Affecting Transport and the Administrative Committee for the TIR Convention.

Summary of responses and how they have been taken into account

Favourable opinion

Collection and use of expertise

There was no need for external expertise

Impact assessment

The guarantee level for the TIR Carnet should be raised in order to secure the TIR system and eliminate additional control measures like escorts or required deposits of financial security or guarantee.

For the Community the recommended guarantee of 60.000EUR is already applicable for some time and the proposed amendment will additionally align the Community legislation with the TIR Convention.

By introducing this amendment the financial interests of customs administrations will be fully secured and the use of expensive customs escorts is expected to decline.

Legal elements of the proposal

This amendment amends the Explanatory Note to Article 0.8.3 of the TIR Convention.

Legal basis

Articles 133 and 300 (2) of the Treaty establishing the European Community.

Subsidiary principle

The proposal falls under the exclusive competence of the Community. The subsidiary principle therefore does not apply.

Proportionality principle

The proposal complies with the proportionality principle for the following reason(s).

It implements an amendment to the international agreement which as such respects the principle of proportionality.

The proposal concerns the Explanatory Note. The aim of this amendment is to change the recommended guarantee level for the TIR Carnet from 50.000USD to 60.000EUR.

Choice of instruments

Proposed instruments: Decision.

Other means would not be adequate for the following reason(s).

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

Budgetary implications

The proposal has no implication for the Community budget.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133, in conjunction with Article 300 (2) thereof,

Whereas:

- (1) The Customs Convention on the international transport of goods under cover of TIR Carnets (TIR Convention) of 14 November 1975 was approved on behalf of the Community by Council Regulation (EEC) No 2112/78 of 25 July 1978¹ and entered into force in the Community on 20 June 1983².
- (2) Some Contracting Parties to the TIR Convention expressed their concern regarding the present recommended guarantee level for TIR transports. They argue that current exchange rates and prices are different than those that were applicable in 1975 and that they therefore have to apply additional control measures, like customs escorts or financial securities. In order to avoid such additional measures and problems an amendment of the Explanatory Note 0.8.3 was proposed.
- (3) In October 2008 the Administrative Committee for the TIR Convention decided that in order to secure the financial interests of customs authorities involved in the TIR system an amendment to the Explanatory Note 0.8.3 has to be made to replace the reference to 50.000USD by a reference to 60.000EUR.
- (4) The Community position concerning the proposed amendment should be determined

HAS ADOPTED THIS DECISION:

Article 1

The Community's position within the Administrative Committee shall be to support the draft amendment annexed hereto.

¹ OJ L252, 14.09.1978

² OJ L31, 2.2.1983, p.13

Article 2

This Decision is addressed to the Member States.

Done at Brussels,

*For the Council
The President*

ANNEX

Change Explanatory Note 0.8.3 as follows:

Replace "\$ US 50 000" by "EUR 60 000"