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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions affecting Transport
(One-hundred-and-eighth session, 11-15 October 2004,
agenda item 6 (c) (iv))

**CUSTOMS CONVENTION ON THE INTERNATIONAL TRANSPORT
OF GOODS UNDER COVER OF TIR CARNETS (TIR CONVENTION 1975)**

Application of the Convention

Issues relating to technical provisions

WCO guidelines on Customs seals

Note by the secretariat

A. BACKGROUND

1. The Working Party took note of document TRANS/WP.30/2004/18, submitted by the World Customs Organization, containing new guidelines to the International Convention on the Simplification and Harmonization of Customs procedures (the revised Kyoto Convention), Chapter 6 on mechanical seals. The Working Party considered that the document contained issues beyond the scope of the TIR Convention and that care should be taken not to endanger the facilitation elements of the TIR Convention with new and far-reaching requirements. It also felt that

the format of the guidelines did not fit the format of the TIR Convention. However, the Working Party also took note that the guidelines, while not legally binding, provided many useful elements for Customs secure loading units. The Working Party requested the secretariat, to study whether a reference to the guidelines could be introduced into the TIR Convention, possibly in the form of a comment to the Convention or its annexes. The secretariat was requested to prepare a document on the issue for one of the future sessions of the Working Party (TRANS/WP.30/214, para. 53).

B. PROPOSAL

2. Article 22 is the main Article of the TIR Convention which deals with Customs seals. It addresses the issue of mutual recognition of Customs seals and reads as follows:

"1. As a general rule and except when they examine the goods in accordance with Article 5, paragraph 2, the Customs authorities of the Customs offices en route of each of the Contracting Parties shall accept the Customs seals of other Contracting Parties, provided that they are intact. The said Customs authorities may, however, if control requirements make it necessary, add their own seals.

2. The Customs seals thus accepted by a Contracting Party shall have in the territory of that Contracting Party the benefit of the same legal protection as is accorded to the national seals."

3. The secretariat proposes to add the following comment to the above Article, which the Working Party may wish to consider:

"Standards for Customs seals

The TIR Convention does not address the issue of standards and requirements for Customs seals. It only stipulates that, as a general rule, Contracting Parties must accept Customs seals affixed by other Contracting Parties. Thus, specification of Customs seals is left at the discretion of national Customs authorities. However, with a view to ensuring high security of Customs sealing, it is essential that Customs administrations use seals which conform to up-to-date international standards and requirements in this field. In this context, the attention of Customs authorities is drawn to the guidelines to Chapter 6 of the General Annex to the International Convention on the Simplification and Harmonization of Customs Procedures (revised Kyoto Convention) as well as to minimum requirements for Customs seals laid down in Specific Annex E, Chapter 1 of the said Convention, elaborated under the auspices of the World Customs Organization (WCO)."
