

Council Regulation (EEC) No 3237/76 of 21 December 1976 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

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EEC) No 3237/76, ANNEX 6. (See end of Document for details)*

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## ANNEX 6

### EXPLANATORY NOTES

#### INTRODUCTION

- (i) In accordance with the provisions of Article 43 of this Convention, the Explanatory Notes interpret certain provisions of this Convention and of its Annexes. They also describe certain recommended practices.
- (ii) The Explanatory Notes do not modify the provisions of this Convention or of its Annexes but merely make their contents, meaning and scope more precise.
- (iii) In particular, having regard to the provisions of Article 12 of this Convention and of Annex 2 relating to the technical conditions for the approval of road vehicles for transport under customs seal, the Explanatory Notes specify, where appropriate, the construction techniques to be accepted by the Contracting Parties as complying with those provisions. The Explanatory Notes also specify, where appropriate, which construction techniques do not comply with those provisions.
- (iv) The Explanatory Notes provide a means of applying the provisions of this Convention and of its Annexes so as to take into account the development of technology and economic requirements.

#### [<sup>F1</sup>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.]

#### **Textual Amendments**

- F1** Inserted by [Council Regulation \(EEC\) No 3020/81 of 19 October 1981 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.](#)

#### 2. ANNEX 2

#### 2.2. Article 2

#### 2.2.1.(a) Subparagraph 1 (a) — Assembly of constituent parts

- (a) Where joining devices (rivets, screws, bolts and nuts, etc.) are used, a sufficient number of such devices shall be inserted from outside, traverse the assembled constituent parts, protrude inside and there be firmly secured (e.g. riveted, welded, bushed or bolted and swaged or welded on the nut). However, conventional rivets (i.e. rivets whose placing requires handling from both sides of the assembly of constituent parts) may be inserted from the inside. Notwithstanding the above, load compartment floors may be secured by means of self-tapping screws, or self-drilling rivets or rivets inserted by means of an explosive charge, when placed from inside and passing at right-

angles through the floor and the metallic cross-pieces underneath, on condition, except in the case of self-tapping screws, that some of their ends be flush with the level of the outside part of the cross-piece or be welded on to it.

- (b) The competent authority shall determine what joining devices, and how many of them, must fulfil the requirements of subparagraph (a) of this note; they shall do so by making sure that the constituent parts so assembled cannot be displaced and replaced without leaving obvious traces. The choice and placing of other joining devices are not subject to any restriction.
- (c) Joining devices which can be removed and replaced from one side without leaving obvious traces (i.e. without requiring handling from both sides of the constituent parts to be assembled) shall not be allowed under subparagraph (a) of this note. Examples of such devices are expansion rivets, blind rivets and the like.
- (d) The assembly methods described above shall apply to special vehicles, for example to insulated vehicles, refrigerated vehicles and tank-vehicles in so far as they are not incompatible with the technical requirements which such vehicles must fulfil having regard to their use. Where, due to technical reasons, it is not practicable to secure parts in the manner described in subparagraph (a) of this note, the constituent parts may be joined by means of the devices mentioned in subparagraph (c) of this note provided that the devices used on the inner face of the wall are not accessible from the outside.

#### 2.2.1.(b) Subparagraph 1 (b) — Doors and other closing systems

- (a) The device on which customs seals can be fixed must:
  - (i) be secured by welding, or by not less than two joining devices conforming to subparagraph (a) of Explanatory Note 2.2.1 (a), or
  - (ii) be so designed that when the load compartment has been closed and sealed the device cannot be removed without leaving obvious traces.

It must also:

  - (iii) incorporate holes of not less than 11 mm in diameter or slots of at least 11 mm in length by 3 mm in width, and
  - (iv) afford equal security whatever type of seal is used.
- (b) Butt hinges, strap hinges, hinge-pins and other devices for hanging doors and the like must be secured in conformity with the requirements of subparagraphs (a) (i) and (ii) of this note. Moreover, the various components of such devices (e.g. hingeplates, pins or swivels) must be so fitted that they cannot be removed or dismantled when the load compartment is closed and sealed without leaving obvious traces. However, where such a device is not accessible from outside it will suffice if, when the door or the like has been closed and sealed, it cannot be detached from the hinge or similar device without leaving obvious traces. Where a door or closure-device has more than two hinges, only those two hinges nearest to the extremities of the door need to be fixed in conformity with the requirements of subparagraph (a) (i) and (ii) above.
- (c) Exceptionally, in the case of vehicles having insulated load compartments, the customs sealing device, the hinges and any fittings, the removal of which would give access to the interior of the load compartment or to spaces in which goods could be concealed, may be fixed to the doors of such load compartments by means of set bolts or set screws which are inserted from the outside but which do not otherwise meet the requirements of Explanatory Note 2.2.1 (a), subparagraph (a) above, on condition that:

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- (i) the tails of the set bolts or set screws are fixed into a tapping plate or similar device fitted behind the outer layer or layers of the door structure, and
- (ii) the heads of the appropriate number of set bolts or set screws are so welded to the customs sealing device, hinges, etc., that they are completely deformed and that the set bolts or set screws cannot be removed without leaving visible signs of tampering<sup>(1)</sup>.

The term ‘insulated load compartment’ is to be taken to include refrigerated and isothermic load compartments.

- (d) Vehicles comprising a large number of such closures as valves, stopcocks, manhole covers, flanges and the like must be designed so as to keep the number of customs seals to a minimum. To this end, neighbouring closures must be interconnected by a common device requiring only one customs seal, or must be provided with a cover meeting the same purpose.
- (e) Vehicles with opening roofs must be constructed in such a manner as to permit sealing with a minimum number of customs seals.

#### 2.2.1.(c) — 1. Subparagraph 1 (c) — Ventilation apertures

- (a) Their greatest dimension must, in principle, not exceed 400 mm.
- (b) Apertures permitting direct access to the load compartment, must be obstructed by means of wire gauze or perforated metal screens (maximum dimension of holes: 3 mm in both cases) and protected by welded metal lattice work (maximum dimension of holes: 10 mm).
- (c) Apertures not permitting direct access to the load compartment (e.g. because of elbow or baffle-plate systems) must be provided with the same devices, in which, however, the dimensions of the holes may be as much as 10 and 20 mm respectively.
- (d) Where openings are made in sheets, the devices referred to in subparagraph (b) of this note must in principle be prescribed. However, blocking devices in the form of a perforated metal screen fitted outside, and wire or other gauze fitted inside, will be allowed.
- (e) Identical non-metal devices may be allowed provided that the holes are of the requisite dimensions and the material used is strong enough to prevent the holes from being substantially enlarged without visible damage. In addition, it must be impossible to replace the ventilation device by working from one side of the sheet only.

#### 2.2.1.(c) — 2. Subparagraph 1 (c) — Drainage apertures

- (a) Their greatest dimension must, in principle, not exceed 35 mm.
- (b) Apertures permitting direct access to the load compartment must be provided with the devices described in subparagraph (b) of Explanatory Note 2.2.1 (c) — 1 for ventilation apertures.
- (c) When drainage apertures do not permit direct access to the load compartment, the devices referred to in subparagraph (b) of this note will not be prescribed, on condition that the apertures are provided with a reliable baffle system readily accessible from inside the load compartment.

### 2.3. Article 3

### 2.3.3. Paragraph 3 — Sheets made up of pieces

- (a) The several pieces constituting one sheet may be made of different materials conforming to the provisions of Article 3 (2) of Annex 2.
- (b) Any arrangement of the pieces which adequately guarantees security will be allowed in making up the sheet, on condition that the pieces are assembled in conformity with the requirements of Article 3 of Annex 2.

### 2.3.6.(a) Subparagraph 6 (a) — Vehicles with sliding rings

Metal securing rings sliding on metal bars fixed to the vehicles are acceptable for the purpose of this paragraph (see Sketch No 2 appended to this Annex) provided that:

- (a) the bars are affixed to the vehicles at maximum spacings of 60 cm and in such a manner that they cannot be removed and replaced without leaving obvious traces;
- (b) the rings are made with a double hoop or equipped with a central bar and made in one piece without the use of welding; and
- (c) the sheet is fixed to the vehicle in strict compliance with the conditions set forth in Article 1 (a) of Annex 2 to this Convention.

### 2.3.6.(b) Subparagraph 6 (b) — Permanently-secured sheets

Where one or more edges of the sheet are permanently attached to the body of the vehicle, the sheet shall be held in place by one strip of metal or other suitable material secured to the body of the vehicle by joining devices meeting the requirements of subparagraph (a) of Explanatory Note 2.2.1 (a) of this Annex.

### [<sup>F</sup>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.]

### 2.3.9. Paragraph 9 — Textile-cored steel fastening ropes

For purposes of this paragraph, ropes comprising a textile core surrounded by six strands consisting solely of steel wire and completely covering the core will be allowed on condition that the ropes (without taking into account the transparent plastic sheath, if any) are not less than 3 mm in diameter.

### 2.3.11. Subparagraph 11 (a) — Sheet-tensioning flaps

(a)

The sheets of many vehicles are provided on the outside with a horizontal flap pierced by eyelets running along the length of the side of the vehicle. Such flaps, known as tensioning flaps, are used to tauten the sheet by means of tensioning cords or similar devices. Such flaps have been used to conceal horizontal slits made in the sheets giving improper access to the goods carried in the vehicle. It is therefore recommended that the use of flaps of this type should not be allowed. The following devices may be used instead:

- (a) tensioning flaps of similar design fixed on the inside of the sheet; or
- (b) small individual flaps each pierced by one eyelet secured to the outside surface of the sheet and spaced at such distances as will permit an adequate tensioning of the sheet.

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Alternatively, it may be possible in certain cases to avoid the use of tensioning flaps on sheets.

2.3.11. Subparagraph 11 (c) — Sheet thongs

(c)

2.3.11. —1. The following materials are regarded as suitable for making thongs:

(c)

(a) leather;

(b) non-tensile textile materials including plastic-covered or rubberized cloth, provided that such materials cannot after severance be welded or reconstituted without leaving obvious traces. Furthermore, the plastic material used to cover thongs shall be transparent and smooth-surfaced.

2.3.11. —2. The device shown in Sketch No 3 appended to this Annex meets the requirements of the last part of Article 3 (11) of Annex 2. It also meets the requirements of Article 3 (6) of Annex 2.

3.

ANNEX 3

3.0.17. Approval procedure

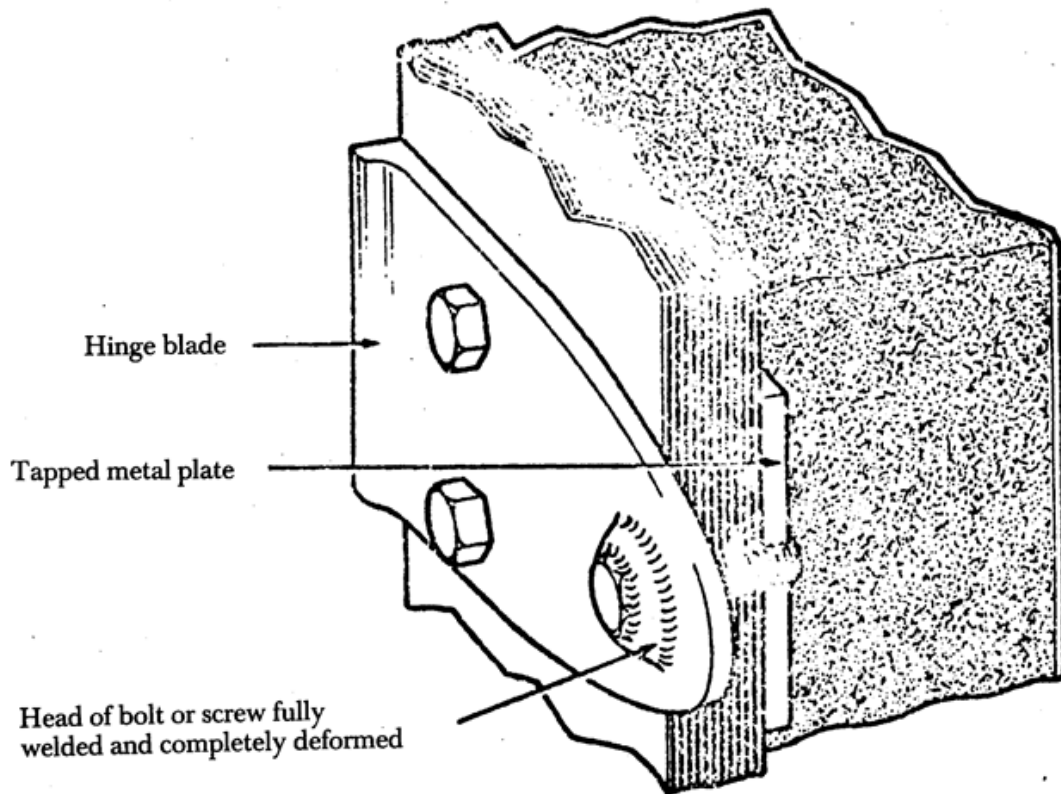
1. Annex 3 provides that the competent authorities of a Contracting Party may issue a certificate of approval in respect of a vehicle constructed within its territory and that no additional approval procedures shall be applied in respect of such a vehicle in the country where it is registered or, as the case may be, where the owner is resident.

2. These provisions are not intended to restrict the right of the competent authorities of the Contracting Party where the vehicle is registered or where the owner is resident to require the production of such a certificate of approval either at importation or subsequently for purposes connected with the registration or control of the vehicle or with similar legal requirements.

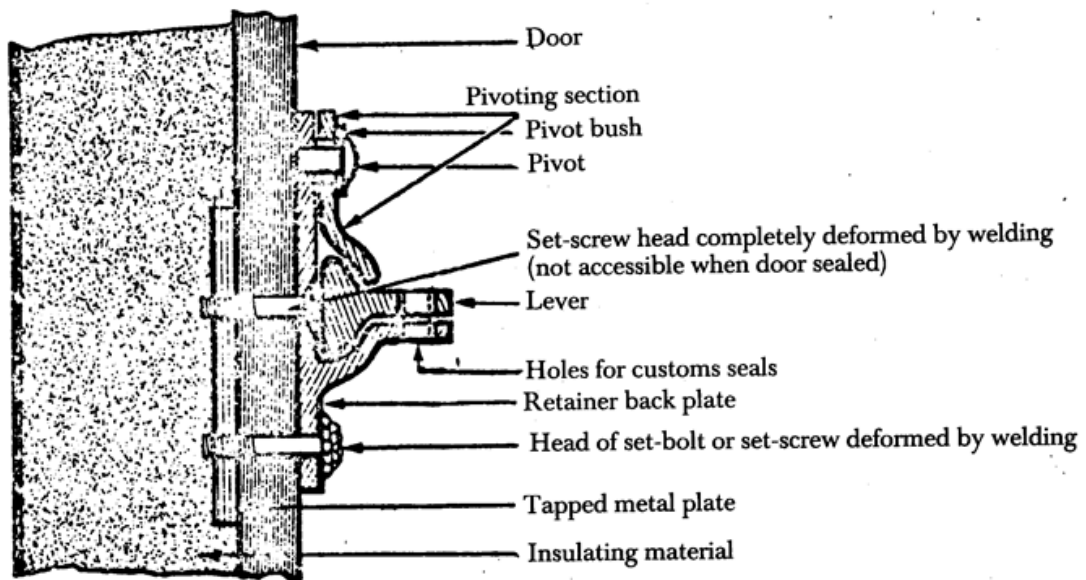
3.0.20. Procedure for endorsement of the certificate of approval

When an endorsement concerning defects is to be cancelled after the vehicle has been restored to a satisfactory state, it is sufficient to state, under item 11 provided for the purpose, 'defects rectified' followed by the name, signature and stamp of the competent authority concerned.

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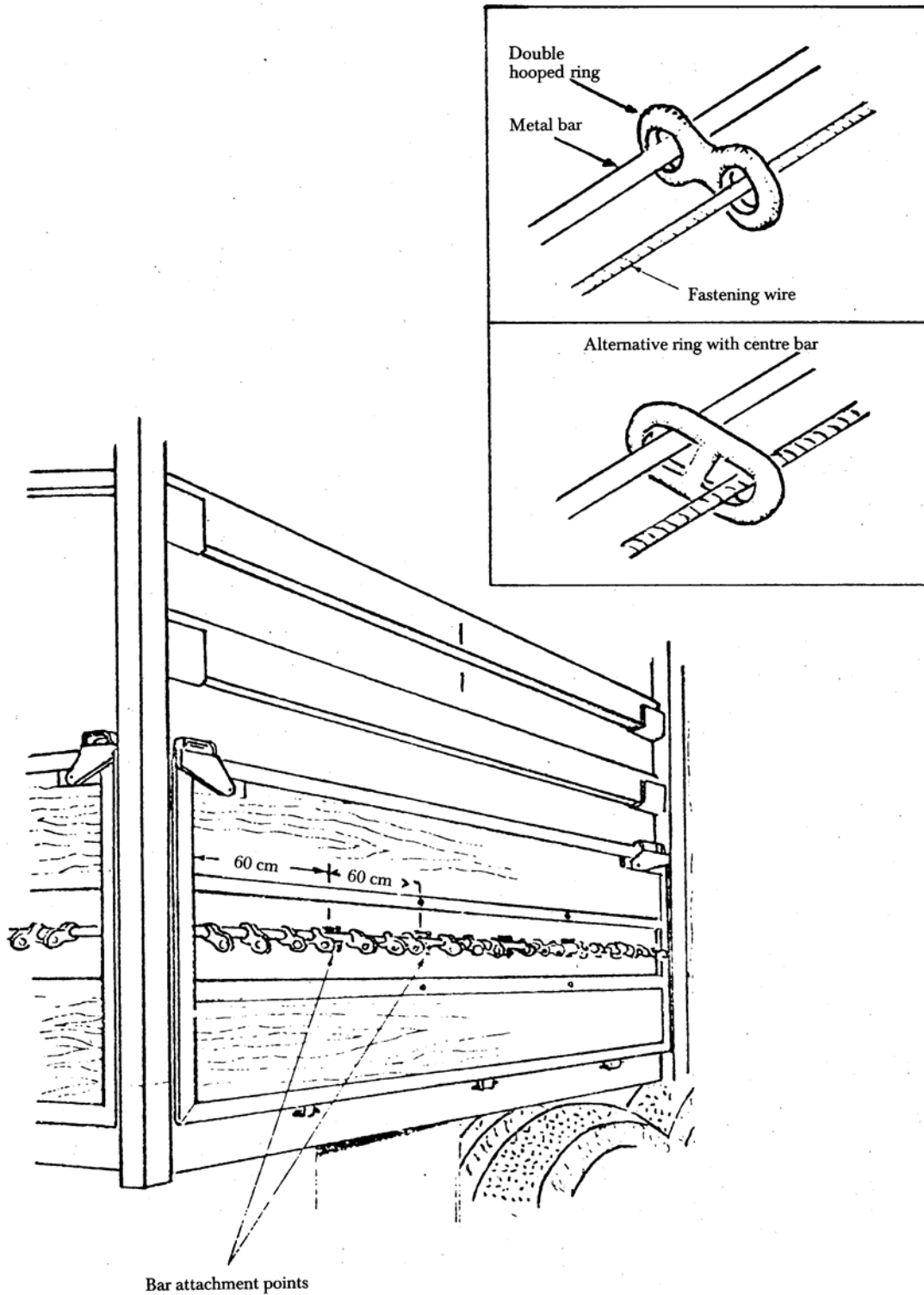


Hinge



Customs sealing device

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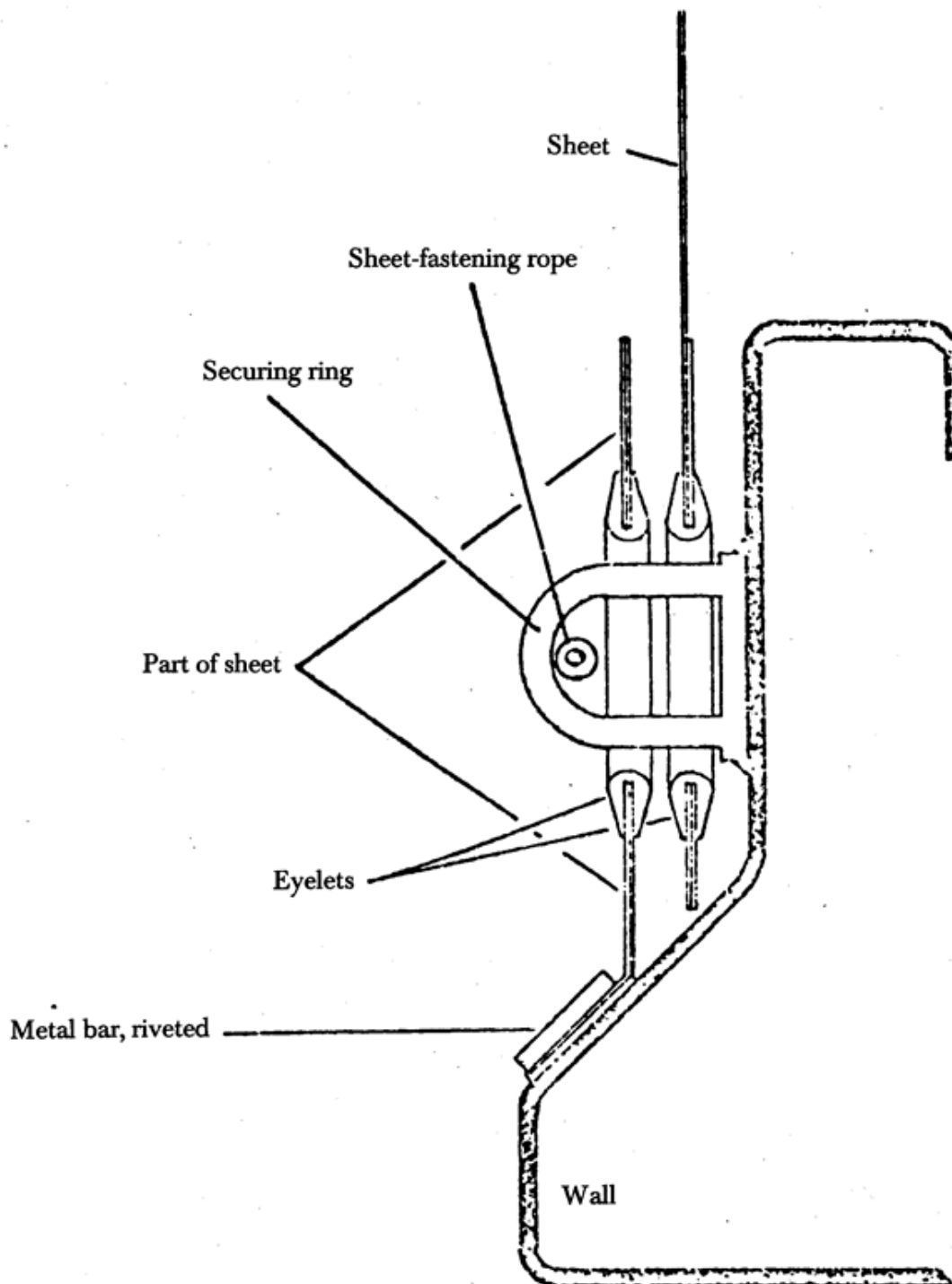
Sheeted vehicles with sliding rings

Sketch Example of a device for fastening vehicle sheets

No 3



The device illustrated below meets the requirements of the last part of Article 3 (11) of Annex 2. It also meets the requirements of Article 3 (6) of Annex 2.



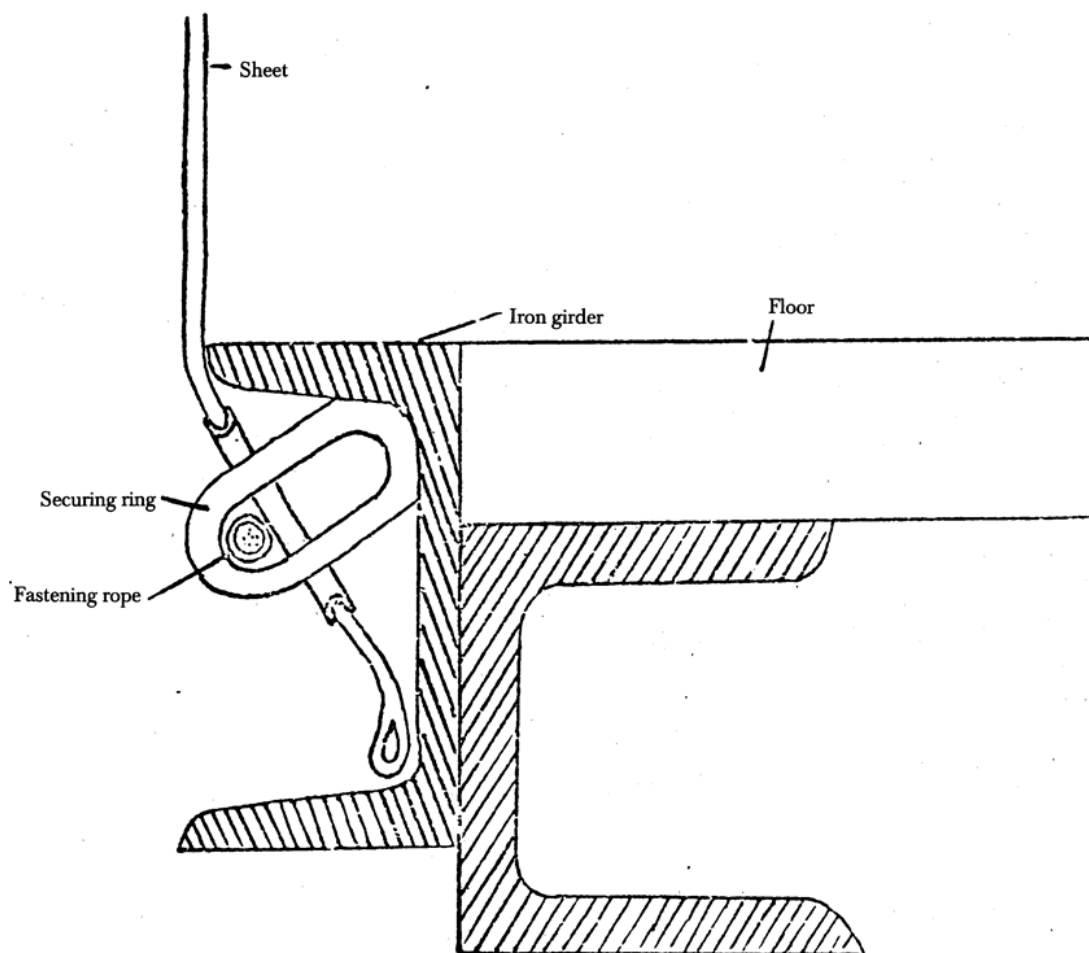
Sketch Device for fastening sheets  
No 4

The device illustrated below meets the requirements of Article 3 (6) (a) of Annex 2.

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- (1) See Sketch No 1 appended to this Annex.

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