



**ADMINISTRATIVE COMMITTEE
FOR THE TIR CONVENTION, 1975**

TIR Executive Board (TIRExB)

(Twenty-sixth session, 17-18 May 2005,
agenda item 6 (c))

PREVENTION OF CUSTOMS FRAUD WITHIN THE TIR SYSTEM

Rules and procedures prescribed for the issue of TIR Carnets by national associations

**Extracts of the declaration of engagement by TIR Carnet Holder to the Association relating to
the issue of TIR Carnets**

Transmitted by the International Road Transport Union (IRU)

Following an exchange of views about the informal document No. 4 (2005) transmitted by the IRU regarding rules and procedures prescribed for the issue of TIR Carnets by national Associations (TIRExB/REP/2005/25 § 22), the TIRExB expressed the wish to receive the corresponding extracts of the declaration of engagement by TIR Carnet Holder to the Association relating to the issue of TIR Carnets.

The general rules reproduced hereafter are extracts from **the declaration of engagement** signed by each transport company for admission to the TIR Customs System and authorisation to use TIR Carnets.

The Holder commits to comply with the following rules:

- To furnish, prior to admission to the TIR System, a financial guarantee available to the Association on first request and covering the amount specified by the Association. This financial guarantee shall remain available for at least 27 months from the date the last Carnet was issued
- To provide additional guarantees and to comply with additional rules when transporting certain commodities or undertaking certain types of transport details of which shall be notified in writing from time to time by the Association

- To ensure that TIR Carnets are completed and used correctly in accordance with the instructions notified by the Association and the rules regarding use contained in the TIR Carnet itself
- Never to transport alcohol and/or tobacco and/or their derived products except for beer, wine or raw tobacco under cover of an ordinary TIR Carnet (USD 50,000), even if the value of the customs duties is less than the sum of USD 50,000
- Never to permit the use by a third party of TIR Carnets issued to his company.
- To inform himself with the Association concerned in order to verify that the access to TIR Carnets of the commercial partners he uses for transport under cover of TIR Carnets has not been withdrawn, or that they are not registered or resident in a country where the TIR System is not functional or has been suspended
- Never use and have any direct or indirect commercial relation, for realisation of transport under cover of TIR Carnets TIR, with a haulier to whom the access to TIR Carnets has been withdrawn or who is registered or resident in a country where the TIR System is not functional or has been suspended.
- To inform the Association of any change in activity or business structure which may affect the issue of TIR Carnets
- To comply with the Association's procedures for ensuring that TIR Carnets are only ordered, and where applicable collected, by authorised personnel
- To return to the Association all used TIR Carnets, as well as all TIR Carnets remaining unused after the date of expiry of their period of validity, following the deadlines and procedures specified by the Association
- To notify the Association immediately in the specified format of:
 - loss, theft, retention or destruction of a TIR Carnet
 - any incident which affects the correct termination of a TIR operation
- To return immediately all TIR Carnets still in his possession if his participation in the TIR System is rescinded or terminated
 - To recognise the right of the Association, at its own discretion without prior notice and on a provisional or definitive basis, to withdraw access to TIR Carnets and to inform the Competent Bodies accordingly.
- Having regard to the relevant Articles of the 1975 TIR Convention, the right to receive TIR Carnets conferred by the Declaration of Engagement shall lapse when:
 - the Holder freely withdraws from the TIR System
 - the Competent Authorities of any country have definitively excluded him from the TIR System by virtue of the relevant Articles of the TIR Convention
 - the Association has permanently withdrawn from him the right to have access to TIR Carnets

Furthermore, the rules prescribed by the competent Bodies of IRU for the use of TIR Carnets are contained in the **TIR Carnet Holder's Manual**. It has been elaborated to assist persons who use TIR Carnets. It is an integral part of the contractual relationship between the National Association and its respective TIR Carnet Holders.

The following extracts constitute the most relevant points regarding the procedures to be respected by Holders when TIR Carnets are issued to them :

Issue of TIR Carnets to the Association's own members

- A. On receiving a TIR Carnet from his Issuing Association, the Holder must check the front cover to ensure that his name and address have been correctly entered, the validity date is right and the TIR Carnet has sufficient "volets" for his needs.
- B. Immediately after receiving the TIR Carnet, the Holder must complete box 4 on each "volet" including the yellow manifest and box 5 of the Procès-verbal de constat by indicating his name, unique number, address and country.
- C. It is strictly forbidden to the Holder to modify the validity date.
- D. Before commencing the journey, the Holder must:
 - complete boxes 6 to 10 (and box 11 when necessary) on the front cover and ensure box 12 has been signed;
 - complete legibly boxes 2-12 and sign and date boxes 14 and 15 on all "volets" including the yellow manifest.
- E. The Holder must use only experienced and reliable drivers - subject to National Laws checks should be made to ensure they do not have a relevant criminal record.
- F. Before presenting a TIR Carnet to Customs at the start of a journey, the Holder must make sure the validity date has not expired.

Issue of TIR Carnets by a foreign Association

- A. In exceptional circumstances a TIR Carnet Holder can request, in writing, his Association to authorise another Association to issue a TIR Carnet in his name.
- B. Once the Holder's Association has reached agreement with the foreign Association for the issue of the TIR Carnet, the TIR Carnet Holder is advised of where and when it can be collected and which documents his driver or representative will need to produce.
- C. The validity of a TIR Carnet issued by a foreign Association may not exceed 10 days. No prolongation is allowed for this TIR Carnet.
- D. The TIR Carnet should be returned to the Holder's Association in the normal way.

TIR Carnets used for transporting heavy or bulky goods

- A. Customs Authorities at the office of departure have the discretion to permit heavy or bulky goods to be carried by means of non-sealed vehicles or containers. The Holder does not require a certificate of approval for road vehicles or containers used for the carriage of heavy or bulky goods.
- B. If the Holder intends to transport heavy or bulky goods which cannot be carried in a closed vehicle or closed container he should advise his Association when ordering TIR Carnets for these type of journeys. The Association will then issue him with a TIR Carnet endorsed in bold letters on the cover and all "volets" with the words "heavy or bulky goods" in English or "marchandises pondéreuses ou volumineuses" in French.

TIR Carnets used for transporting “High Risks” goods

- A. The Holder is informed that carriage of certain goods is completely prohibited under TIR Carnet. These are:
- alcohol and derived products (HS Codes 22.07.10 and 22.08), except for beer or wine.
 - tobacco and derived products (HS Codes 24.02.10, 24.02.20 and 24.03.10) except for raw tobacco.
- B. The Holder is informed that certain other goods are completely prohibited from carriage under TIR Carnets but only within EU Member States, irrespective of the quantities or the duty values. Finally, for the group of goods which IRU has designated “High Risk”, the Holder is informed that such goods can only be transported under strict rules and procedures and on condition that the TIR Carnet Holder has lodged an additional guarantee.
A table containing the information is remitted to each Holder and shows which rules apply to the various categories of goods referred to above.
- C. The Holder is informed that the rules relating to “High Risk” goods only apply where these constitute more than 10% of the load carrying capacity of the vehicle by weight.
- D. The Holder may transport "High Risk" goods under ordinary TIR Carnets only if he has lodged an additional guarantee with the Association which issues his TIR Carnets.
- E. When ordering TIR Carnets the Holder must tell his Association how many are required for the carriage of "High Risk" goods. These TIR Carnets will then be issued with the letters MHR/HVG stamped on the yellow manifest not for Customs use (item 10).
- F. If, due to unforeseen operational requirements, a Holder, who has already lodged the “High Risk” guarantee, needs to use a TIR Carnet which has not previously been endorsed MHR/HVG, he may use it to carry "High Risk" goods provided he notifies the Association of the TIR Carnet number and ensure it can easily be identified when it is returned to the Association. If he wishes he can endorse the TIR Carnet himself but only on the yellow manifest.
- G. Additionally, the Holder is advised to observe the following precautions when transporting "High Risk" goods:
- never accept any instruction to change the itinerary or Customs office of destination. In the event of any difficulty the driver should be instructed to return to the place of loading or place the goods under Customs control.
 - when returning the TIR Carnet to the Association include copies of all documents (including the CMR or an equivalent document for own account operators) which show the goods have been properly delivered and discharged.
- H. The Holder is advised to check with his Association in case he has any doubt about the status of the goods he is intending to carry.

Procedures to ensure return of TIR Carnets to the Association by the Holder

A. The Holder must return all used and unused TIR Carnets as quickly as possible and, in any case, within the required deadlines:

- Used TIR Carnets must be returned to the Association no later than 90 days from the date the TIR Carnet was issued. If the Holder cannot return the TIR Carnet within this deadline he must notify his Association.
- Unused TIR Carnets must be returned to the Association no later than 15 days after the validity date expires.

The Holder is advised that TIR Carnets are considered to be unused provided:

- the cover (from box six onwards), the yellow manifest, the “volets” (except box 4) and the “souches” are blank

or

- the cover (from box six onwards) and the yellow manifest are filled in but the “souches” and the “volets” are not stamped (taken under Customs control).

B. If a TIR Carnet cannot be returned because it has been lost, stolen, destroyed or retained by an official body, i.e. Customs, Police, the Holder must immediately notify the Association and complete a “Loss Declaration Form” (cf. Annex I).

C. If a properly completed Loss Declaration is not received by the due date, the Holder will be sent, by registered post, notice of his suspension from the TIR Scheme. Suspension will take effect 14 days from the date of posting and will continue until the TIR Carnet concerned has been found and returned or a properly completed Loss Declaration lodged.

D. However, if the Holder is not able to complete a Loss Declaration immediately or if the Association is not satisfied with the explanation given, he may be allowed, at the Associations discretion, the option of providing a guarantee to cover each missing used TIR Carnet, as an alternative to being suspended from the scheme. A guarantee for each missing TIR Carnet will always be required in all cases where the missing TIR Carnet(s) are unused.

E. Guarantees will be released when the missing TIR Carnet is returned, when verification of the certificate of termination by the Customs office(s) of destination is in the IRU SAFETIR System or in all cases after 27 months from the date the TIR Carnet was issued provided no claim relating to the missing TIR Carnet is outstanding.

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