



---

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

**TIR Executive Board (TIRExB)**

(Forty-third session, 4 – 5 May 2010,  
agenda item 7)

**INVALIDATION OF TIR CARNETS ISSUED TO EXCLUDED TIR CARNET HOLDERS**

**Transmitted by the International Road Transport Union (IRU)**

**I. BACKGROUND AND MANDATE**

1. In the document ref. TIRExB/REP/2010/42draft dated 19.02.2010, under Part VIII on the invalidation of TIR Carnets issued to excluded TIR Carnet holders, the TIRExB expressed the wish to obtain more information on the applicable procedures and deadlines, in case national associations had taken the decision not to issue TIR Carnets to an authorized TIR Carnet holder (Annex 9, Part II, paragraph 6), for discussion during the present session.

2. It is important here to remind the basic rules applicable before the procedure itself.

**II. BASIC RULES**

**A. Suspension**

3. The “**suspension**” is the temporary or permanent withdrawal by the association of the access of a TIR Carnet holder to TIR Carnets.

4. The objective of a “suspension” is to provide a risk management tool which the Association can use against holders in case they fail to comply with all the applicable rules.

5. Temporary suspension means a suspension that applies for a few days when the holder failed to fulfill a minor obligation only, contrary to the permanent suspension which applies in case of important violation of the basic principles of the TIR procedure, etc.

6. In some cases, the IRU or the insurers can request from an association to temporarily or permanently suspend a holder.

### **B. Exclusion**

7. The “**exclusion**” is the temporary or permanent withdrawal of the TIR Carnet holder by the Customs authorities or other competent bodies of a Contracting Party from the operations of the TIR Convention on the Contracting Party’s territory only, by virtue of Article 38 of the TIR Convention:

### **C. Revocation**

8. The “**revocation of the authorisation for access to the TIR procedure**” is the permanent withdrawal by the competent authorities of their authorisation granted to the particular person for access to the TIR procedure when the requirements and conditions for such access are no longer fulfilled by this person, by virtue of Article 6.4 of the TIR Convention.

## **III. PROCEDURE**

9. There are several reasons for the implementation of the procedures relating to the “suspension”, “exclusion” and “revocation of the authorisation for access to the TIR procedure” given the gravity of the act or absence of act committed by the holders.

10. Regarding the decision by the association, the IRU or the insurers to suspend temporarily or permanently the authorisation for access to TIR procedure of a TIR Carnet holder, several reasons justify such a measure, according to the gravity of the violation.

11. It is important to remind that the authorisation for access to the TIR procedure does not constitute in itself a right to obtain TIR Carnets from the associations (Annex 9, Part II, point 6 of the TIR Convention).

Examples of reasons justifying the suspension:

- (a) Non-compliance with the applicable rules, i.e. a TIR Carnet is made available to a third party; the late return of TIR Carnets, Tobacco/Alcohol products have been carried using TIR Carnets;
- (b) The holder has committed a serious infringement, of which the Association shall be sole judge, or frequent infringements of the Customs regulations or of the provisions and instructions issued by the Association;
- (c) TIR irregularity, fraud during the TIR transport operation;

(d) Violation of the basic principles of the TIR procedure, or failure to cooperate in resolving claims or potential claims, or in other circumstances according to the national legislation or to the Association's rules;

(e) Conditions for the access to the system not respected anymore.

12. By virtue of Article 38 of the TIR Convention, Customs authorities or other competent bodies of a Contracting Party can decide to exclude temporarily or permanently the TIR Carnet holder from the operations of the TIR convention on the Contracting Party's territory only.

13. As soon as the association where the TIR Carnet holder is established or resident is informed of such exclusion, it can decide to suspend the access to TIR Carnet for a given holder, either temporarily or permanently. In fact such a decision by a Customs authorities to apply Article 38 of the TIR Convention reveal such serious actions by the TIR holder, that the association has no other choice than to suspend access to TIR Carnets.

14. When the TIR Carnet holder is permanently suspended further to the association's decision, or when his authorisation for access to the TIR procedure is revoked by national Customs authorities, the IRU has to be immediately informed with a special form made available to all associations (see Annex).

15. The association will automatically block the issue of TIR Carnets to the concerned holder by any issuing office, via its IT system.

#### **IV. IRU PROCEDURE AND TRANSMISSION OF INFORMATION TO CUSTOMS:**

16. In order to supply information about the invalidated TIR Carnet as quickly as possible the same day the incident has occurred on the carnet, the IRU has implemented the following procedure:

(a) Each TIR carnet holder has a contractual obligation to inform its issuing association of any incident which has occurred with a TIR carnet as soon as the holder has been informed or is aware of this incident.

(b) Each issuing association also has a contractual obligation to inform the IRU immediately by fax or email with the details of the TIR Carnet for which there has been an incident reported by any of its holders.

(c) The IRU proceeds with the data capture of the referenced carnets in the central database within two hours following receipt of the request for invalidation from the issuing association.

(d) The IRU informs the Customs authorities by four different means:

- Email : the list of carnets which present a high risk are sent by email to TIR contact points as well as to customs officers who have requested it
- CUTE-Wise is updated three times a day, at 11 am, 2 pm and 7 pm (Geneva time). Customs officials querying the status of the carnets will obtain the updated status of the invalidated TIR carnet. The lists of invalidated carnets that can be downloaded from CUTE-Wise are updated accordingly.
- SafeTIR in real time, which allows the customs systems through a computer to computer automatic query, to obtain the validation of the status of a TIR carnet in real time
- Automatic download from a shared IRU directory: customs authorities who have installed a secured line with the IRU have access to files containing the invalidated carnets and thus can download them automatically.

-----

