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INLAND TRANSPORT COMMITTEE

Working Party on Customs Questions
affecting Transport

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

Phase II of the TIR revision process: Proposals for amendments to the Convention
Suggested inquiry procedure

Transmitted by the International Road Transport Union (IRU)

1. Taking into account the discussions of the Ad hoc Group of Experts on Phase II of the TIR Revision Process, in particular the considerations at its first session on recommended inquiry procedures (TRANS/WP.30/1998/5, paras. 24-26), the IRU is submitting herewith its suggestions on such procedures allowing hauliers and guaranteeing associations to be informed rapidly of any discrepancy or irregularity during TIR operations also for further transmission to the international organization(s). Under such a system the hauliers, associations and the international organizations(s) will be able to provide to the competent authorities all necessary information so that, together with the SAFETIR information, the Customs authorities are in a better position to target their internal inquiries with more precision.

2. The inquiry procedure shall be initiated if :
 - voucher No.2 of the TIR Carnet is not returned to the Customs office of departure or entry or the centralized office within a reasonable time period;
 - voucher No.2 of the TIR Carnet is returned within a reasonable time period, but the TIR Carnet has been discharged conditionally (with reservation) (article 11, paragraph 1).
3. When voucher No.2 of a TIR Carnet is not returned to the Customs office of departure or entry within a period of maximum three months (one month for sensitive goods as defined by the national Customs authorities) from a Customs office of destination or exit, and after having verified if the discharge confirmation, in line with the Recommendation of the Administrative Committee of 20 October 1995 (CUTEWise), has been provided by the Customs of destination(s), the Customs office of departure or entry having accepted the Carnet shall send a request for information on a standard form to the office of destination or exit. In case central offices are used, these offices shall take the appropriate action.
4. At the same time, the relevant national guarantee association shall be informed on a standard form of the possible non-discharge of TIR Carnets (pre-notification). Such pre-notification should be accompanied by all relevant information and data allowing the association(s) and the international organization(s) to furnish relevant documentation and, if possible, alternative evidence as proof for the proper discharge of TIR Carnets. The holder is also notified by the Customs administration. Both have three months to furnish proof of the regularity of the TIR operation in question or to provide evidence that goods have been transmitted to a third person.
5. If there is no reply to this request for information (mentioned in point 2 above), a reminder shall be transmitted, three months later, to the supervisory authority of the said Customs office of destination or exit.
6. At the same time, an official notification is addressed to the guaranteeing association and a payment request is sent to the TIR Carnet holder and/or to other person(s) directly liable (transport operator, consignee, etc, when known) with copy to the guaranteeing association immediately following the registration of the calculations (article 8, paragraph 7).
7. This notification to the guaranteeing association is only valid if the pre-notification mentioned in item (3) above has been sent. The guaranteeing association shall have three months, starting with the day of the notification, to furnish proof of the regularity of the TIR operation in question.

8. Upon receipt of information or alternative forms of evidence from the holder of the TIR Carnet and/or the guaranteeing association(s) concerning the regularity of the TIR operation in question, the Customs office of departure or entry shall inform the holder of the TIR Carnet and/or the guaranteeing association(s) within one month of its decision to accept such information or alternative evidence. The same applies when a confirmation of discharge is provided directly from the Customs office of destination (as per 2. above).
 9. The holder or the person directly liable of the TIR Carnet shall have one month, starting with the day of the notification, to pay the due amount (Customs duties, taxes and other charges on the appropriate form) for the TIR operation in question.
 10. If, following the expiry of the time limit under 6., and in default of payment by the TIR Carnet holder, a demand for payment shall be sent to the guaranteeing association which shall have three months as of the date of demand for payment to remit the sums due.
 11. Recommended standard specimen forms for the inquiry notices and the reminders will need to be prepared.
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