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Item 8 (d) of the provisional agenda

Best practices: Communication between national competent authorities and national guaranteeing associations

Communication between national competent authorities and national guaranteeing associations

Note by the TIR secretariat

Summary

At its forty-sixth session, the TIR Executive Board (TIRExB) decided that, in line with its programme of work for the years 2011–2012, it would review the existing example of best practices containing recommendations for improvement of the communication between national competent authorities and national guaranteeing associations (Chapter 5.7 of the TIR Handbook) (ECE/TRANS/WP.30/AC.2/2011/8, para. 8)

At its fiftieth session, TIRExB adopted the text of a specimen pre-notification letter as Table III in Chapter 5.7. of the TIR Handbook. The Board requested the secretariat to submit the specimen pre-notification letter to the TIR Administrative Committee (AC.2) for consideration and endorsement (Informal document TIRExB/REP/2012/50draft, para. 18).

Examples of best practices are included in the TIR Handbook to facilitate the application of the Convention in countries that have newly acceded to the Convention and/or in which TIR operations can be newly undertaken.

I. Background

1. The TIRExB first considered this issue, at its forty-seventh session, on the basis of the existing recommendations for improving communication between national competent authorities and national guaranteeing associations (Chapter 5.7 of the TIR Handbook). The various TIRExB members first opinion was that the recommendations provided a good basis, but that their practical use was rather limited, due to the fact that the recovery of claims from national associations pursuant to Article 11 of the Convention was mainly governed by provisions of national law. In addition, useful elements, such as a specimen notification letter, were still missing (ECE/TRANS/WP.30/AC.2/2012/1, para. 21).

2. At its forty-eighth session, the Board recalled previous discussions in 2003–2004 when attempt to draft such a specimen notification letter had failed and reconfirmed that it was of the opinion that the example would greatly benefit from including a specimen letter covering pre-notification, considering that this communication was not a legal requirement and, thus, not subject to strict provisions of national law as regards form and content (Informal document TIRExB/REP/2011/48final, para. 19).

3. At its fiftieth session, the Board adopted the text of a specimen pre-notification letter as Table III in Chapter 5.7. of the TIR Handbook. The Board requested the secretariat to submit this letter to AC.2 for consideration and endorsement (Informal document TIRExB/REP/2012/50draft, para. 18).

2. The specimen pre-notification letter is contained in annex to this document for endorsement by AC.2.

Annex

After the existing text of Chapter 5.7. insert

“Table III**Specimen pre-notification letter**

Information letter to be sent to the TIR guaranteeing association and the TIR Carnet holder

.....
 (Full name of the Customs office/administration concerned) (Place and date)

Subject: Information concerning TIR Carnet No.

addressed to

(full name, address and ID number of the TIR Carnet holder)

.....

(full name of the guaranteeing association)

Dear Madam/Sir,

A TIR operation carried out under cover of TIR Carnet No.....has been registered by the Customs office of.....(Copy of Voucher No. 1 attached) as entering the territory of.....(name of Contracting Party).

We kindly inform you that our Customs administration has not received confirmation of the proper termination in the territory of (name of Contracting Party) of the TIR operation carried out under cover of TIR Carnet No.

In addition, we have checked the status of this TIR Carnet in the control system for TIR Carnets and:

- (1) there is no information confirming the termination of this TIR operation in the territory of.....(name of Contracting Party),
- (2) there is a record concerning this TIR operation. We have already contacted the office of destination in.....(place, name of Contracting Party) in order to confirm the information available in the control system for TIR Carnets but have not yet received any confirmation.

Therefore, without prejudice to the notification to be made in accordance with Article 11, paragraph 1 of the TIR Convention, we invite you to provide us with the appropriate documents demonstrating that this TIR operation has been correctly terminated in the territory of.....(name of Contracting Party) within 28 days from the date of this letter.

The proof should be furnished in the form of one of the following documents, identifying the goods:

- a document certified by the Customs authorities of the Customs office of destination or exit (en route) of another Contracting Party establishing that the goods have been presented at this Customs office, or
- a Customs document, issued in another Contracting Party confirming that the goods have entered its Customs territory for a Customs approved treatment or use, or
- a document, issued in another Contracting Party, endorsed by the Customs authorities of that Contracting Party and certifying that the goods are considered to be in free circulation in that Contracting Party, or
- a copy or photocopy of above-mentioned documents, certified as being true copies by the body which endorsed the original documents, by the authorities of the Contracting Party concerned or by the authority of another Contracting Party to the TIR Convention, 1975.

Any of the above documents should be sent to

.....
(stamp of the Customs office/signature of the person responsible)

Annex: Copy of Voucher No. 1 of the TIR Carnet”
