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Revision of the Convention:

Comments and examples of good practice transmitted
by the TIR Executive Board

Comments and examples of good practice transmitted by the TIR Executive Board

Note by the secretariat

I. Mandate and background

1. At its ninety-fifth session, the TIR Executive Board (TIRExB), requested the secretariat to transmit to the Committee a revision of the comment to Article 3 of the TIR Convention regarding the TIR procedure and postal items.
2. At its ninety-fifth session, TIRExB approved four examples of best practice and requested the secretariat to transmit them to AC.2 for endorsement and, ultimately, inclusion in the next revision of the TIR Handbook.
3. This document contains the proposed revision of the comment to Article 3 as well as the examples of good practice transmitted by TIRExB.

II. Comments

Comment to Article 3 of the TIR Convention

4. TIRExB, under the assumption that the scope of the last comment to Article 3 was unclear and to remove any ambiguity, proposed the following wording to replace the current text of the comment:

“TIR procedure and postal items

The TIR procedure should not apply to postal items carried under the rules of the Universal Postal Union by designated national postal operators.”

II. Good practices

5. As part of its programme of work, TIRExB supports training activities on the application of the TIR Convention and supports the application and revitalization of the TIR Convention, including amendment proposals that would increase the competitiveness of the TIR system. In this context, TIRExB prepared the following examples of good practice and requested the secretariat to transmit them to the Committee:

- Authorized consignee for TIR in the European Union (Annex I)
- Authorized consignors for TIR in Türkiye
- Electronic authorization for natural and legal persons to utilize TIR Carnets (Annex 9, Part II of the TIR Convention)
- Simplification of the procedure for the approval of road vehicles required for the issuance of certificates of approval (Annex 3 of the TIR Convention).

6. The four examples of best practice are contained in Annex I to IV, respectively.

III. Considerations by the Committee

7. The Committee is invited to consider and, possibly, endorse the amended comment to Article 3 and the good practices transmitted by TIRExB and may wish to mandate the secretariat to include them in the next revision of the TIR Handbook.

Annex I

Authorized consignee for TIR in the European Union

I. Background information

1. In the European Union, the general rule is that the goods placed under the TIR procedure shall be presented at the customs office of destination together with the vehicle, the TIR Carnet and the Movement Reference Number (MRN) of the TIR operation.
2. However, in line with the new Explanatory Note to Article 49 of the TIR Convention, the authorized consignee may receive the goods at the premises, or in some other approved place, without presenting the goods, the vehicle, the TIR Carnet or the MRN of the TIR operation at the customs office of destination.
3. In comparison to the standard TIR operation, the authorization as an authorized consignee for TIR operations applies only to TIR operations where the final unloading place is the premises stipulated in that authorization.
4. As a reminder, within the European Union, for the exchange of TIR Carnet data for TIR operations and for the completion of the customs formalities of Union transit procedures, the New Computerized Transit System (NCTS) shall be used. In case of discrepancies between the particulars in the TIR Carnet and the particulars in NCTS, the TIR Carnet shall prevail.

II. Practical case

5. The procedure is the following:
 - (a) When the goods arrive at a place specified in the authorization, the authorized consignee shall immediately notify the customs office of destination of the arrival of the goods and inform it of any irregularities or incidents that occurred during transport;
 - (b) Then, unload the goods only after obtaining the permission from the customs office of destination.
6. The authorization should explicitly state that the holder of the authorization or its representative is authorized to break and remove customs seals. Under no circumstances must the authorized consignee remove the customs seals before obtaining permission from the customs office of destination in the form of the “Unloading Permission” message in NCTS. Customs have the possibility to check the cargo before unloading.
 - (c) After unloading, enter the results of the inspection and any other relevant information relating to the unloading into his records without delay;
 - (d) Notify the customs office of destination of the results of the inspection of the goods and inform it of any irregularities.
7. In addition, at the request of the TIR Carnet holder, the authorized consignee shall issue a receipt which certifies the arrival of the goods at a place specified in the authorization and contains a reference to the MRN of the TIR operation and the TIR Carnet.
 - (e) Finally, the authorized consignee shall ensure that the TIR Carnet, together with the MRN of the operation, is presented within the time-limit laid down in the authorization, at the customs office of destination for terminating the TIR operation.
9. The TIR Carnet holder shall be considered to have fulfilled his obligations of the TIR Convention where the TIR Carnet together with the road vehicle, the combination of vehicles or the container and the goods have been presented intact to the authorized consignee at a place specified in the authorization.
10. The customs office of destination ensures the following actions:

(f) When it has received notification of arrival of the goods at the premises of the authorized consignee, it shall notify the customs office of departure or entry of the arrival of the goods;

(g) When it has received the results of the inspection of the goods by the authorized consignee, it shall send the control results to the customs office of departure or entry.

11. Finally, when the TIR Carnet is presented by the authorized consignee, the customs office of destination is to endorse it by completing counterfoil No 2 and retain voucher No 2. Following the endorsement, the customs office of destination is to return the TIR Carnet to the TIR Carnet holder or his representative.

III. The authorization

12. For the purpose of a TIR operation, applications for the status of authorized consignee shall be submitted to the customs authority competent to take the decision in the Member State where the TIR operations of the applicant are due to be terminated.

13. The authorization shall be granted to applicants fulfilling, at least, the following conditions:

(a) The applicant is established in the customs territory of the European Union;

(b) The applicant declares that he will regularly receive goods moved under a TIR operation;

(c) The applicant fulfils the criteria laid down in Article 39 a) b) and d) of the Union Customs Code.

14. The authorization shall only be granted provided that the customs authority considers that it will be able to supervise the TIR operations and carry out controls without an administrative effort proportionate to the requirements of the person concerned.

15. The authorization concerning the status of authorized consignee shall apply to TIR operations that are due to be terminated in the Member State where the authorization was granted, at the place or places in that Member State specified in the authorization.

Annex II

Authorized consignors for TIR in Türkiye

I. Authorization criteria

1. The criteria, assessed by the Regional Customs and Trade Directorates and by the Ministry of Customs and Trade, are the following:

- (a) To be established in Türkiye.
- (b) To have a solid financial standing.
- (c) To not have criminal records or serious and repeated violations of customs or tax regulations.
- (d) To provide a comprehensive guarantee.
- (e) To process at least 5,500 transit declarations as a principal, and to use at least 500 transit declarations (including TIR Carnets) as a transport operator.
- (f) To have valid ISO 9001 and ISO 27001 certificates.
- (g) To have, at least, one facility that meets the minimum requirements specified in the authorization.
- (h) To have the means to electronically exchange information with customs.
- (i) Customs authorities need to be able to supervise the TIR operations and carry out controls without any administrative effort.

II. The procedure for obtaining the authorization

- (a) The application form is completed and submitted to the Regional Customs and Trade Directorates responsible for the procedure.
- (b) If the assessment is positive, it is then reviewed by the Ministry of Customs and Trade, which also organizes an audit at the premises of the applicant to verify its compliance with the relevant criteria. This audit is performed by customs auditors.
- (c) The auditors prepare a report about their findings and send it to the Ministry of Customs and Trade for their final decision.
- (d) In case of a positive assessment by the Ministry of Customs and Trade, the authorization is granted.
- (e) The authorization procedure is simplified in case the applicant is already an Authorized Economic Operator (AEO).

III. Information indicated in the authorization document:

- (a) The customs office responsible for supervising the procedure.
- (b) The address of the authorized premises where the procedure may take place.
- (c) The manner and the timeframe during which the data, the information and the documents concerning the transit operations are transmitted to the customs authorities.

IV. Further information on the authorization:

- (a) There is no specific model (specimen) for the Authorized Consignor's stamp. The authorized consignor is only given a specific licence number, a code for its authorized premises and a special seal.

- (b) The authorization does not have a date of validity.
- (c) The authorization will be applicable for TIR operations that are due to start in Türkiye, at the place/places specified in the authorization.

V. Practical example of the use of authorized consignor

- (a) The procedure starts at the authorized consignor's premises, which needs to be an authorized place, as indicated in the authorization which is granted to him/her.
- (b) The truck arrives at the authorized consignor's premises and the goods are loaded. The authorized consignor checks the documents and the validity of the certificate of approval, as well as whether the vehicle's condition is in conformity with the TIR Convention.
- (c) The authorized consignor submits an electronic declaration with code A3 (simplified procedure) in the Turkish customs system, which contains: his/her specific license number, the code for its authorized premisses and the number of his/her seal. He/she then waits for a Movement Reference Number (MRN) to be allocated.
- (d) Having received the electronic declaration, customs authorities perform an electronic risk assessment analysis and evaluate whether further checks are required (at the authorized consignor's premises).
- (e) In case customs does not take any decision, the consignment can be released for transit. Customs authorities enter the authorized consignor's seal number and register Voucher No. 1 in the customs systems. The MRN is generated.
- (f) Once the MRN number is generated by the customs system, the authorized consignor is responsible for applying the customs seals. The authorized consignor is not authorized to make any endorsements in the TIR Carnet.
- (g) The vehicle can depart from the authorized consignor's premises and move towards the border crossing point.
- (h) The TIR Carnet holder presents the TIR Carnet to the customs officers at the exit border crossing point. A customs officer verifies the accuracy of the data on the customs system by checking the TIR Carnet and stamps, as well as all the boxes of the TIR Carnet designated for the customs office of departure and exit. Then, he/she detaches Vouchers No. 1 and 2 from the TIR Carnet and archives them.

VI. General information about the authorized consignor procedure

- (a) This type of simplification is available for TIR Carnet holders.
- (b) The responsibility always lies with the TIR Carnet holder.
- (c) This simplification can be used outside of the departure office's working hours.
- (d) This procedure is applicable to TIR operations starting from inland customs offices in Türkiye.
- (e) Partial loading is only permitted if it takes place at different premises of the same authorized consignor (as per the terms of the authorization) (i.e. partial loading is not allowed at the premises of different authorized consignors).

Annex III

Electronic authorization for natural and legal persons to utilize TIR Carnets (Annex 9, Part II of the TIR Convention)

I. Background information

1. In Uzbekistan, authorization for natural and legal persons to use TIR Carnets is done electronically, while in full compliance with the provisions of Annex 9, Part II of the TIR Convention.
2. This procedure was introduced through a national decree in 2021 (Annex 2 to the Decree of the Cabinet of Ministers of the Republic of Uzbekistan No. 727, dated 02 December 2021). It has been in practice for nearly a year and results in a faster authorization procedure.
3. As per the terms of the national law, it may take up to five days to be completed. However, in practice, it usually takes one day (sometimes down to four hours) since it is done electronically.

II. Practical case

4. The procedure is the following:
 - (a) The applicant:
 - (i) logs into the designated national system with his/her electronic signature. It is a national web-services system which interconnects the information provided by each national citizen/legal entity (i.e. passport number, tax information, etc) to customs authorities.
 - (ii) accepts an undertaking towards the national association, as per the terms of Annex 9, Part II, paragraph 1 (e) of the TIR Convention.
 - (iii) provides the following information in a step-by-step process:
 - general information about the company (e.g. address, taxpayer code, etc).information on the company drivers (e.g. name, passport details, etc).
 - information on the company vehicles (e.g. state registration number, type of vehicle, VIN code, etc).
 - information on financial standing (e.g. extract from the tax register, balance sheet, etc).
 - (iv) submits the application electronically.
 - (b) Once the application is submitted, it is automatically checked through web-services connected to relevant authorities – customs, tax authorities, Ministry of Transport, the national association, etc.
 - (c) Once the information provided electronically by the applicant has been checked automatically against the data contained in the relevant authorities' systems, the application is approved. In case it is rejected, the applicant will be informed about the relevant reasons.
 - (d) If the application is approved, the tax authorities will receive a notification to check whether the applicant has infringed against any customs/tax legislation.
 - (e) If there are no infringements, the tax authorities will confirm this information by ticking the relevant box.
 - (f) The national association will receive a notification and confirm this information by ticking the relevant box.

(g) Once this procedure has been concluded, the applicant will receive an electronic notification informing him/her on the granted authorization to utilize TIR Carnets.

(h) The applicant can log into the designated system with his/her electronic signature and download/print the authorization. The authorization also includes their unique TIR Carnet holder ID.

(i) Once he/she has been authorized as a TIR Carnet holder, this information is automatically submitted to the International TIR Data Bank (ITDB) by the designated system.

5. In case the information initially provided has been updated, the TIR Carnet holder is obliged to update it accordingly in the designated system.

Annex IV

Simplification of the procedure for the approval of road vehicles required for the issuance of certificates of approval (Annex 3 of the TIR Convention)

I. Background information

1. In the Republic of Moldova, the technical inspections required for the issuance of certificates of approval for TIR vehicles are performed at the premises of the national association.
2. It is done jointly by two representatives: one from customs and one from the national association and results in a faster and simplified procedure. It is not necessary to make an appointment. The transport operator arrives at the national association's premises and goes through the inspection upon arrival of the vehicle. It takes about 20-30 minutes to have the inspection carried out and the certificate of approval issued.
3. In case the inspection is carried out on a tanker, it takes another 20-30 minutes as the representatives need to climb on it to take pictures.
4. It was introduced through a national order in 2009 (Order of the Customs Service No. 29/2009) and has been in practice for more than 10 years.

II. Practical case

5. The procedure is carried out as follows:
 - (a) The vehicle arrives at the national association's premises.
 - (b) The national association's and customs' representatives perform the necessary checks, in line with the provisions of the TIR Convention.
 - (c) If the vehicle meets all the necessary requirements, the national association representative fills out and prints the certificate of approval, which is endorsed by the customs representative with his/her stamp (personal stamp that contains the customs representative's ID) and signature.
 - (d) Once these formalities have been fulfilled, the vehicle is admitted as secure to perform TIR transport operations.
 6. The customs representative is present at the national association's premises on a permanent basis to perform this service and offer advice to Moldovan and foreign carriers concerning customs formalities.
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