



TIR EXECUTIVE BOARD (TIRExB)

Distr.: General

COMMISSION DE CONTROLE TIR (TIRExB)

3 April 2012

ИСПОЛНИТЕЛЬНЫЙ СОВЕТ МДП (ИСМДП)

Original: English

Administrative Committee for the TIR Convention, 1975

TIR Executive Board (TIRExB)

Fiftieth session

Athens, 14–15 May 2012

Agenda item 12

Issue raised by the Romanian national association on the use of TIR Carnets in Turkey

A. Background and mandate

1. At its previous session, the Board was informed of complaints by the National Union of Road Hauliers from Romania (UNTRR), that Romanian TIR Carnet holders, who had been contracted by a Dutch TIR Carnet holder, had been refused entry to Turkey when using TIR Carnets issued in their own name and had taken note of preliminary reactions from Mr. Köseoglu (Turkey) and IRU (See TIRExB/REP/2012/49draft, paragraph 39).

Further to a request from the Board, the Turkish authorities as well IRU have submitted copies of their correspondence on the issue, as contained in this Informal document, for consideration of the Board.

The Union of Chambers and Commodity Exchanges of Turkey (TOBB)

TO THE ATTENTION OF
THE MINISTRY OF CUSTOMS AND TRADE
(Director General of Customs)
ANKARA

Date: 23.11.2011
No: 0441/FAX-26610
Subject: TIR Carnet no. XW 66 914 376

Ref: Your letter dated 21.11.2011 and no. 08370

As you might recall, by your above-mentioned letter you have made a reference to the letter sent by the Regional Directorate of Customs and Customs Enforcement of Samsun wherein it is mentioned that the vehicle approval certificate of the tractor in the vehicle combination of the goods covered by the TIR Carnet no. XN 66 914 376 has been issued in the Russian Federation; whereas the vehicle approval certificates of the trailers and semi-trailer in the vehicle combination have been issued in Kyrgyzstan; that the TIR Carnet used in this transport has actually been issued by ASMAP, the Guaranteeing Association of the Russian Federation; and doubts have arisen on the performance of such a transport.

As a result of the relevant negotiations held with IRU, an accord has been reached whereby the firm holding the vehicle approval certificate of the trailer should also be the possessor of the TIR Carnet to be used in such transport. However, it is essential that the transport of goods under the above-cited TIR Carnet be conducted for only once under the guarantee of TOBB and the entire relevant Customs offices be duly notified that the guarantee of TOBB would in no case be applicable if similar transport models may be encountered in the future.

If it may be deemed necessary, we consider it would be more appropriate to place the subject matter in the agenda of the relevant units of the UN Permanent Transport Committee (WP.30 TIRExB) with a view to avoid any probable practices arising from different interpretations.

Availing ourselves of this opportunity, we would kindly ask you to give instructions to the Customs Office of Samsun for the performance of the appropriate procedures for allowing the crossing of the vehicle only for once for this transport; and to place the subject matter in the agenda of the relevant Customs offices and UN bodies.

Yours sincerely,

Ali Emre YURDAKUL
Deputy Secretary General

The Union of Chambers and Commodity Exchanges of Turkey (TOBB)

TO THE ATTENTION OF
THE MINISTRY OF CUSTOMS AND TRADE
(Director General of Customs)
ANKARA

Date: 30.11.2011

No: 0441/FAX-27189

Subject: TIR Carnet no. XW 66 662 299

Ref: Your letter dated 21.11.2011 and no. 08314

As you might recall, by your above-mentioned letter, you have made a reference to an inquiry regarding the import transport conducted under the TIR Carnet no. XW 66 662 299 issued by the firm "ERTEM Ulus. Nak. İhr. Ltd. Şti." operating in the field of international transport under the guarantee of TOBB. As cited in your letter, this inquiry has revealed the fact that the TIR Carnet used by the firm had actually been issued by TOBB; yet the TIR Carnet in question was used for the British-originated vehicle numbered Y354GDM/C056552.

As you might also be concerned, given the recent growth of problems in the above-described transports, TOBB is frequently receiving several demands for the resolution of these challenges. In this respect, the subject matter has accordingly been broached to IRU; and based on the appropriate view of IRU, an accord has been reached whereby the firm holding the vehicle approval certificate of the trailer should also be the possessor of the TIR Carnet to be used in such transport.

In this framework, it is essential that the entire relevant Customs offices be notified that the guarantee of TOBB would in no case be applicable if similar transport models may be encountered in the future.

If it may be deemed necessary, we consider it would be more appropriate to place the subject matter in the agenda of the relevant units of the UN Permanent Transport Committee (WP.30, TIRExB) to avoid any probable practices arising from different interpretations; and we think *"it would be more suitable if the Customs offices of the country of departure attach utmost attention to the procedures conducted into the TIR Carnet of the firm on whose behalf the vehicle approval certificate was issued"*.

Please be duly acknowledged.

Yours sincerely,

Ali Emre YURDAKUL

the world road transport organisation



International
Road Transport Union

By email and post

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TR - 06530 ANKARA

AD/G1005811/MRE

Geneva, 2 February 2012

**URGENT and IMPORTANT - Use of TIR carnets for transport involving vehicles from
different countries**

Dear Mr Süer,

I am writing to you in connection with the above-mentioned issue, discussed during our meeting in Ankara on 20 January 2012.

As you know, over the past few weeks, TOBB and the IRU have been receiving information from various Member Associations about goods being transported under TIR being blocked at Turkish borders by your customs authorities, thus creating huge delays and costs for numerous transport operators which seem to be faced for the first time with such a difficulty.

All recently reported cases involve TIR Carnet Holders using rented load compartments, based on a specific rental contract signed by the TIR carnet holder. These rented load compartments are often registered in a country other than that where the TIR carnet was issued.

With regard to this situation, I would like to clarify the IRU position as follows :

In line with the TIR Convention, the TIR Carnet provides for the declaration of the goods which are loaded in the load compartment. The TIR carnet holder mentioned on the TIR Carnet remains fully responsible, in all circumstances, for the complete transit of goods from the start of the TIR transport at the customs office of departure until its termination at the customs office of destination.

The TIR carnet holder, having received and signed the TIR carnet, will therefore always remain liable towards the competent customs authorities even if he has entered into a rental agreement for the load compartment and irrespective of his nationality. The TIR guarantee coverage will therefore be equally provided to customs authorities in such cases.

Therefore, the main point to be considered by your customs authorities while assessing whether to accept a TIR carnet should be whether the road vehicles or containers used for transportation of goods comply with the requirements of the TIR Convention in terms of security and whether certificates of approval as required by Annex 3 to the TIR Convention are available, irrespective of the nationality of the TIR carnet holder.



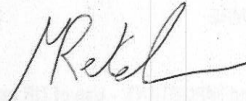
Obviously, Turkish customs authorities are entitled to check if there are valid contractual relations based on the rental contract for the load compartment confirming that the transport operation is legitimate.

Based on the above, as long as the main security requirements are fulfilled and if no other regulations prohibit such practice, your competent national authorities should allow such transport operations which are in our opinion not in contradiction with any specific provision of the TIR Convention.

In this respect, allow me to confirm that any such transport are covered by the TIR guarantee, provided by TOBB and IRU, in favour of the Turkish customs authorities.

Please inform your authorities accordingly as soon as possible in order to avoid any further problems at your borders.

Yours sincerely,



Marek Retelski
Head - TIR Department

Deputy Secretary General

The Union of Chambers and Commodity Exchanges of Turkey (TOBB)

TO THE ATTENTION OF
THE MINISTRY OF CUSTOMS AND TRADE
(Director General of Customs)
ANKARA

Date: 03.02.2012

No: 0441/FAX-3199

Subject: The Tractor/Trailer Problem

Ref: Your letter dated 23.11.2011 and no. 26610

As you might recall, by our above-referenced letter it has been stated that due to the doubts regarding the performance of the TIR procedures of the firms on whose behalf the tractor in the vehicle combination was registered for the purpose of entering the Customs territory of Turkey under the TIR Carnet; the matter was broached to IRU. In the reply received from IRU, it was expressed that the firm holding the vehicle approval certificate of the trailer should also be the possessor of the TIR Carnet to be used in the transport and it was further underlined that the guarantee of TOBB would in no case be applicable if similar transport models may be encountered in the future.

The subject matter and the relevant previous examples have been shared with the IRU authorities on a case basis; and IRU has accordingly sent TOBB the letter dated 02.02.2012 with a view to clarify the problems regarding the vehicles waiting at our border gates.

In the letter of IRU, it has been stated that the entire applications submitted to IRU are actually related with the TIR Carnet holders, and those TIR Carnet Holders using rental trailers under a special rental agreement; and that the rental trailers are generally registered in a country other than the country where the TIR Carnet was issued.

It is further detailed in the letter that the TIR Carnet Holder would be held responsible not only for the entire process from the start of TIR transport at the Customs Office of Departure to its finalization at the Customs Office of Destination; but also for the TIR Carnet that it signed and submitted to the authorized customs authorities for the transports conducted under a rental agreement irrespective of the nationality of the trailer.

In this respect, the views delivered by IRU correspond to the authorization of the Customs offices to verify the existence of a valid rental agreement for the trailer and to validate the transport procedures during the acceptance of the TIR Carnet; and imply that the acts of the national competent authorities are not in contradiction with any provision of the TIR

Convention and these national authorities may allow such transports provided that the basic security requirements are met.

Availing ourselves of this opportunity, we would kindly inform you *that the guarantee provided by TOBB and IRU to your Ministry shall be valid and applicable for the transports where rental trailers are used and the TIR Carnet has been issued for the firm on whose behalf the trailer has been registered.* In consideration thereof, we would also courteously ask your Office to notify this information to the relevant Customs offices.

Your sincerely,

Ali Emre YURDAKUL
Deputy Secretary General