

Regional TIR Seminar
Sarajevo, 29 and 30 March 2011

***Actions by Customs
in case of TIR infringements***

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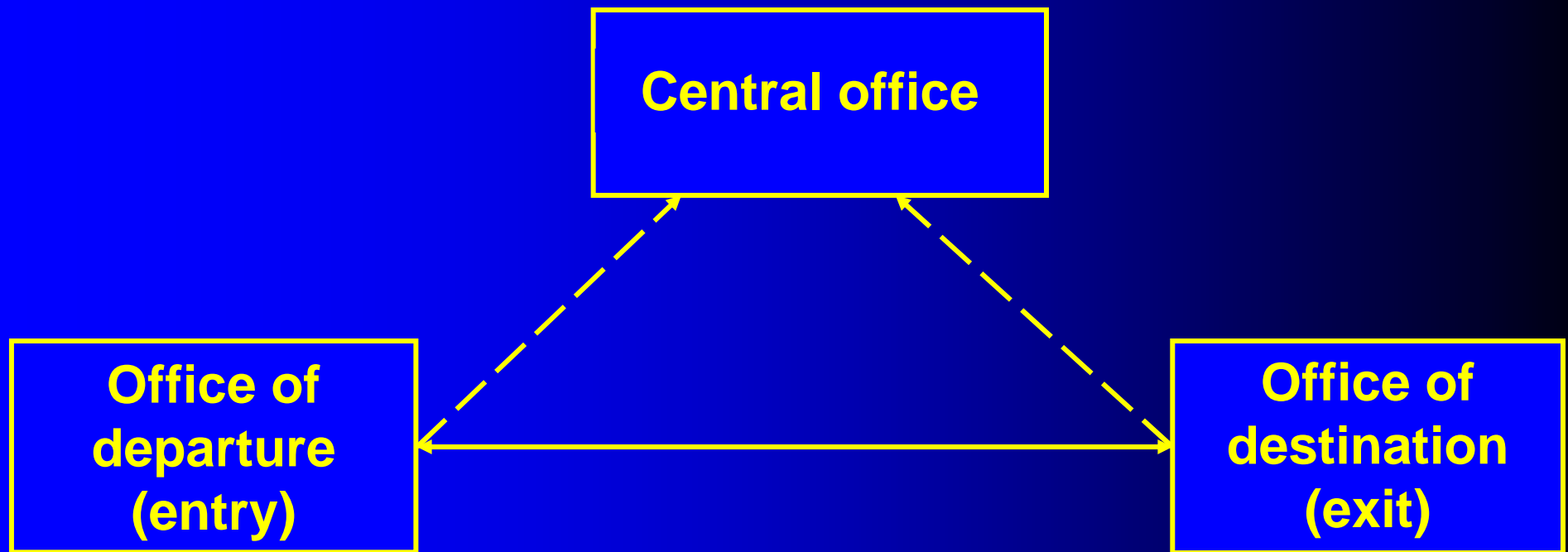
Procedure for the termination of a TIR operation

- **The Customs office of destination or exit (en route) shall:**
 - **Carry out controls of the documents, the load compartments and the goods contained therein;**
 - **Register the TIR Carnet;**
 - **Provide a certificate of termination;**
 - **Complete and remove voucher No. 2;**
 - **Return TIR Carnet;**
 - **Create a record on the termination of the TIR operation in an international control system.**

DISCHARGE OF A TIR OPERATION

- The term “discharge of a TIR operation” shall mean the recognition by Customs authorities that the TIR operation has been terminated correctly in a Contracting Party. This is established by the Customs authorities on the basis of a comparison of the data or information available at the Customs office of destination or exit (en route) and that available at the Customs office of departure or entry (en route)

DISCHARGE OF A TIR OPERATION



Procedure for the discharge of a TIR operation (1/3)

- National Customs authorities shall keep separate registers in their Customs ledgers for TIR Carnets
- The Customs office of departure or entry (en route):
 - Shall retain voucher No. 1;
 - Shall enter name and address in box “For official use”;
 - Shall ensure that box 22 of voucher No. 1 contains the name of the Customs office of destination or exit (en route);
 - May inform preliminarily the Customs office of destination or exit (en route) of the dispatch of the goods;

Procedure for the discharge of a TIR operation (2/3)

- **The Customs office of destination or exit (en route):**
 - shall detach and send the TIR certificate of termination to the indicated Customs office of departure or entry (en route);
 - alternatively, a special e-mail or teletype message can be used and sent to the indicated Customs office of departure or entry (en route), which shall without delay compare the information contained therein with the retained voucher No. 1;
 - shall send without delay all information concerning the termination of the TIR operation to the SafeTIR system;

Procedure for the discharge of a TIR operation (3/3)

- In case of several offices of departure or destination the procedure shall apply mutatis mutandis;
- In case of change of office of destination or exit (en route) the indicated office of destination should be informed without delay;
- Verification a posteriori by the Customs office of departure or entry (en route);
- Customs authorities shall take necessary measures to protect their telecommunications, ledgers, files etc. from unauthorized access or falsification.

Example inquiry procedure

(to be applied by the Customs office of departure or entry in case of non-discharge, e.g. non-termination of a TIR operation or termination certified with reservations)

- Send request for information to the office of destination or exit (en route)
- Verify alternative evidences for the proper termination, if any
- Inform national guaranteeing association of possible non-termination (pre-notification)

Example claims procedure

- **Notify officially the national guaranteeing association**
- **Send a notification of non-discharge to the TIR Carnet holder**
- **Request payment, as far as possible, from person(s) directly liable (Article 8.7 of the Convention)**
- **Send request for payment to the guaranteeing association**

Example documents to substantiate claims for non-discharge

- **To give reasons establishing the liability of the national guaranteeing association:**
 - **copy of voucher No. 1**
 - **copy of the registered letter sent to the TIR Carnet holder and containing the request for payment which he has failed to meet**
 - **written statement (letter) by the Customs authorities outlining main points of the infringement**
- **To fix the amount of duties and taxes due:**
 - **the detailed calculation of Customs duties and taxes, including determination of the Customs value of the goods and applicable tariff rates**

Timescale according to Article 11 of the Convention



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THANK YOU



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