

**Economic and Social Council**

Distr.: General
9 February 2017
English
Original: English, French and
Russian

Economic Commission for Europe**Inland Transport Committee****Working Party on Customs Questions affecting Transport****145th session**

Geneva, 14-17 February 2017

Item 4 (b) (i) of the provisional agenda

**Customs Convention on the International Transport of Goods
under Cover of TIR Carnets (TIR Convention, 1975):****Revision of the Convention: Amendment Proposals to the Convention**

**Analysis of results of the survey conducted among TIR
Customs Focal Points to support the discussion on the
amendment proposals to the Explanatory Note to Article 8,
paragraph 3 (Explanatory Note 0.8.3) of the TIR Convention
relating to the use of Tobacco/Alcohol TIR Carnet**

Submitted by the International Road Transport Union*

I. Introduction

The survey was conducted between December 2016 and January 2017 to support the discussion regarding the potential introduction of amendments to the Explanatory Note to Article 8, paragraph 4 of the TIR Convention relating to the use of Tobacco/Alcohol TIR Carnet and respective guarantee levels. A total number of 18 respondents (16 from European Union (EU) countries and two from non-EU countries bordering with the EU) provided feedback to the survey with different degree of completeness - some of the feedback received contained partial answers to the questions. Taking into account that 95 per cent of information was provided in EUR, the currency used in the analysis below is EUR.

* The present document contains the text submitted to the secretariat reproduced without any changes.

II. Results of the survey

A. Number of transit operations of alcohol and tobacco products included in the Explanatory Note to Article 8, paragraph 3 of the TIR Convention relating to the use of Tobacco/Alcohol TIR Carnet

<i>HS Code/goods description</i>	<i>Number of transit operations in 2016</i>	
	<i>Started</i>	<i>Terminated</i>
22.08/ Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol; spirits, liqueurs and other spirituous beverages	29 850 (based on 13 replies received)	30 899 (based on 14 replies received)
22.07.10/ Undenatured ethyl alcohol of an alcoholic strength by volume of 80% vol or higher	1 064 (based on 13 replies received)	872 (based on 14 replies received)
24.02.10/ Cigars, cheroots and cigarillos, containing tobacco	2 927 (based on 13 replies received)	2 498 (based on 14 replies received)
24.02.20/ Cigarettes containing tobacco	12 778 (based on 13 replies received)	9 549 (based on 14 replies received)
24.03.11/ Water-pipe tobacco	4 525 (based on 13 replies received)	316 (based on 14 replies received)
24.03.19/ Other manufactured tobacco and manufactured tobacco substitutes; 'homogenised' or 'reconstituted' tobacco; tobacco extracts and essences	1 895 (based on 13 replies received)	2 734 (based on 14 replies received)

Conclusion on the number of transit operations of alcohol and tobacco products:

- Certain product categories and respective HS Codes are absent from transit movement portfolios in different countries. Most commonly those were HS Codes 22.07.10 and 24.03.19, but in some countries also others.
- Certain product categories and respective HS codes are predominant in aggregate number of transit operations. 56 per cent of all the transit operations started and 66 per cent of all the transit operations terminated are related to transport of alcohol falling under the HS Code 22.08. The second biggest category in terms of total number of transit operations started and terminated are cigarettes (HS 24.02.20), making 24 per cent of total number of transit operations started and 20 per cent of operations terminated respectively.

- A total of 53,039 transit operations of tobacco and alcohol products falling under the relevant HS codes were started and 46,868 terminated in the territory of the respondent countries.

B. Average level of duties and taxes (including the excise tax) required for transit procedure of alcohol and tobacco products included in the Explanatory Note to Article 8, paragraph 3 of the TIR Convention relating to the use of Tobacco/Alcohol TIR Carnet¹

- 22.08/ Udenatured ethyl alcohol of an alcoholic strength by volume of less than 80% vol.; spirits, liqueurs and other spirituous beverages

The average level of guarantee taking into account all 12 responses provided to the question = 281,817 EUR. However, the average guarantee level indicator is strongly impacted by one of the outlier indicators that equals to 1,882,422 EUR and is 10 times higher than the indicator of average between the remaining 11 answers provided. The average level of guarantee excluding the outlier indicator = 103,972 EUR.

- 22.07.10/ Udenatured ethyl alcohol of an alcoholic strength by volume of 80% vol. or higher

The average level of guarantee taking into account all 7 responses provided to the question = 174 574 EUR. No outliers observed.

- 24.02.10/ Cigars, cheroots and cigarillos, containing tobacco

The average level of guarantee taking into account all 10 responses provided to the question = 98 815 EUR. No outliers observed.

- 24.02.20/ Cigarettes containing tobacco

The average level of guarantee taking into account all 11 responses provided to the question = 519,058 EUR. No major outliers observed.

- 24.03.11/ Water-pipe tobacco

The average level of guarantee taking into account all 12 responses provided to the question = 331,428 EUR. No major outliers observed.

- 24.03.19/ Other manufactured tobacco and manufactured tobacco substitutes; 'homogenised' or 'reconstituted' tobacco; tobacco extracts and essences

The average level of guarantee taking into account all 10 responses provided to the question = 332,632 EUR. No major outliers observed.

Conclusion average duties and taxes level:

- The average cross-category guarantee level for both alcohol and tobacco goods = 259,746 EUR.

¹ Several EU Member States representatives made a disclaimer about the accuracy of the guarantee levels data provided. In fact, the figures provided are average amounts calculated on the basis of guarantee amounts declared in electronic declarations for each transit operation (data from the New Computerized Transit System (NCTS)). However, the number of transit operations in NCTS is not equal to the number of transports. In contrary to TIR procedure, one vehicle can contain goods covered by more than one transit declaration and by more than one guarantee.

- The difference between the guarantee levels required for transport of alcohol and tobacco production is significant. The difference between the average level of guarantee used for tobacco products in certain cases is five-fold greater than the ones required for transport of alcohol products (guarantee level required for goods falling under the HS Code 22.08 vs. guarantee level required for goods falling under the HS Code 24.02.20).

C. Average claims rate (% to the all transported goods of the mentioned HS codes) per year and average claimed amount in case of irregularities related to the transit procedure of alcohol and tobacco products included in the Explanatory Note to Article 8, paragraph 3 of the TIR Convention relating to the use of Tobacco/Alcohol TIR Carnet

The information below is based on information provided by 10 respondents (for both indicators).

<i>HS Code/goods description</i>	<i>Claims situation</i>	
	<i>Average Claims Rate</i>	<i>Average Amount Claimed</i>
22.08/ Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80% vol.; spirits, liqueurs and other spirituous beverages	0.367%	6 616 EUR
22.07.10/ Undenatured ethyl alcohol of an alcoholic strength by volume of 80% vol. or higher	0%	0 EUR
24.02.10/ Cigars, cheroots and cigarillos, containing tobacco	0%	0 EUR
24.02.20/ Cigarettes containing tobacco	0.047%	180 572 EUR
24.03.11/ Water-pipe tobacco	0.11%	4 078 EUR
24.03.19/ Other manufactured tobacco and manufactured tobacco substitutes; 'homogenised' or 'reconstituted' tobacco; tobacco extracts and essences	0.0141%	6 090 EUR

Conclusion on average claims rate and average claimed amount in case of irregularities:

- The average cross category claims rate for both alcohol and tobacco products = 0.08562 per cent.
- For certain categories, such as HS 22.07.10 and 24.02.10, claims were reported to be absent.
- The average cross-category claimed amount for both alcohol and tobacco products = 32,892 EUR.

- The average claimed amount for certain categories of tobacco, namely cigarettes is 27 times higher than the one claimed for alcohol.

D. Type of guarantee usually covers the transit of the alcohol and tobacco products included in the Explanatory Note to Article 8, paragraph 3 of the TIR Convention relating to the use of Tobacco/Alcohol TIR Carnet

A total of 13 responses were provided to this question. Over 95 per cent of responses indicated that a comprehensive guarantee is most commonly used to cover transit of alcohol and tobacco products falling under the HS Codes of interest. Two respondents indicated that a “cash deposit” can also be used as one of the guarantee levels.

E. Specific rules applied by Customs to the transit operations of the alcohol and tobacco products included in the Explanatory Note to Article 8, paragraph 3 of the TIR Convention relating to the use of Tobacco/Alcohol TIR Carnet

Only one of the respondents (Turkey) reported on the existence of specific rules only for the goods falling under HS code 22.07.10 that are qualified as “risky goods” according to Turkish Customs Regulations. If there is any data on risk analysis on the goods or transporter, or suspicion of smuggling, a Vehicle Tracking System (VTS) is used as an additional risk management tool.

F. Relevance to keep both alcohol and tobacco under the same type of TIR Carnet (Tobacco/Alcohol TIR Carnet)

- 12 respondents consider that it is relevant to keep both alcohol and tobacco under the same type of TIR Carnet.
- 3 respondents consider that separation should be considered because of the different guarantee levels required.

G. Reference to tobacco products should still be kept in the Explanatory Note to Article 8, paragraph 3 or should the possibility to exclude tobacco transport from the TIR guarantee coverage be considered given the degree of sensitivity of transport of those goods and the specificity of such practice

- 13 respondents indicated that tobacco transport should be included in TIR guarantee coverage.
- 2 respondents do not have defined opinion.
- Several respondents noted in the comments that in case tobacco is kept under TIR guarantee coverage, the guarantee level should be adjusted accordingly.