

CUSTOMS CONVENTION ON THE INTERNATIONAL TRANSPORT
OF GOODS UNDER COVER OF TIR CARNETS (TIR CONVENTION 1975)

Preparation of Phase III of the TIR revision process

Note by the Government of Turkey

Turkey's Comments and Additions for the Document ECE/TRANS/WP.30/2007/17

I. INTRODUCTION

1. This note by the government of Turkey contains Turkey's comments and additions to ECE/TRANS/WP.30/2007/17

II. THE POSSIBILITY TO INCREASE THE MAXIMUM NUMBER OF TIR OPERATIONS AND PLACES OF LOADING AND UNLOADING PER TIR TRANSPORT

2. The Working Party at its one-hundred-and-seventeenth session agreed that the issue of increasing the maximum number of TIR operations and places of loading and unloading per TIR transport does not have a direct relation to the strategic or legal issues of computerization and, therefore, should be excluded from this document.

3. Due to the increase in partial cargos in recent years, the representatives of Turkey have brought this issue to the attention of the Working Party and proposed increasing the maximum number of loading/unloading places from four to six, in the past. The Working Party, by taking into account the researches done by the International Road Transport Union (IRU) and deciding that there is no need to increase the maximum number of loading/unloading places, has tried to solve this problem by adding an explanatory note to the relevant article of the TIR Convention. However, the proposed solution is not used since its application is not feasible in practice.

4. As a result, Turkey wants to determine a new position regarding this issue after consultations with the relevant private sector organizations.

III. THE POSSIBILITY TO PROVIDE THE INTERNATIONAL GUARANTEE CHAIN WITH DETAILED DATA CONTAINED IN THE CUSTOMS DECLARATION

5. Currently, the national association only has access to this data after the TIR Carnet holder returns the TIR Carnet.

6. Within the framework of eTIR, data contained in the Customs declaration will be able to be shared with the national association responsible for issuing TIR guarantees before the transportation starts. This aspect will be a value adding part of the project since the national association issuing guarantees will be able to know what kind of transportation it is responsible for.

7. In this respect, the minimum amount of data that should be shared with the national association should be at least the information written on the TIR Carnet manifest page.

IV. METHODS OF SUBMISSION OF THE CUSTOMS DECLARATION TO CUSTOMS

8. According to the Article 21 of the TIR Convention, the TIR Carnet holder is solely liable for declaring the transported goods to the Customs authorities. In the proposed model, however, the TIR Carnet holder will submit the Customs declaration by electronic means to the Customs office of departure for acceptance. Once accepted, the Customs office of departure will forward the information to the subsequent Customs authorities involved in the TIR transport via the eTIR international system.

9. By accepting the responsibility of sending the TIR declaration to the subsequent Customs authorities in a correct and timely manner, the Customs authorities are becoming liable for potential delays and mistakes. As a result, the TIR Carnet holder cannot be held liable in case divergences are found between the Customs declaration, as submitted by the TIR Carnet holder, and after its retransmission to Customs authorities en route.

10. Although this provision is confirmed, the TIR Carnet holder should resubmit the Customs declaration to each and every Customs office of departure/entry en route. This aspect is important for the scope of responsibility of the TIR Carnet holder.

V. THE DISTINCTION BETWEEN TERMINATION AND DISCHARGE IN AN ELECTRONIC ENVIRONMENT

11. This distinction is clearly mentioned in Articles 8 and 11 of the current TIR Convention. Termination and discharge mean two different operations and they cannot be combined as proposed by the Expert Group. A TIR operation which has been terminated, has not necessarily also been discharged, because discharge occurs when the vouchers of entry and exit match after the termination of the TIR operation. As a result, this distinction, which is mentioned in the TIR Convention, should be maintained under the electronic system.

VI. THE LEGAL STATUS OF ETIR DATA AS COMPARED TO THE LEGAL STATUS OF DATA CONTAINED IN THE PAPER TIR CARNET

12. It would be appropriate to act upon, after the Working Party commissions a legal study on the issue.

VII. THE LEGAL STATUS OF AN ACCOMPANYING PAPER DOCUMENT AS A FALL-BACK IN THE ETIR SYSTEM

13. It would be appropriate to act upon, after the Working Party commissions a legal study on the issue.

VIII. THE ESTABLISHMENT OF TRANSITORY LEGAL PROVISIONS

14. It would be appropriate to act upon after the Working Party commissions a legal study on the issue.

IX. THE SUBMISSION OF THE CUSTOMS DECLARATION TO EACH CUSTOMS OFFICE OF DEPARTURE/ENTRY EN ROUTE

15. The comments for item "IV" holds for this item too.

X. THE ROLE OF THE TIR CARNET

16. The current work on eTIR envisages the request by the TIR Carnet holder to obtain a guarantee from the guarantee chain and the submission by the TIR Carnet holder of the Customs declaration to the Customs office of departure as two separate acts.

17. It is not clear for the TIR Carnet holder how (guarantee reference number, etc.) the guarantee, provided by the international guarantee chain, will be submitted to the Customs administrations, together with the declaration suggested, instead of the TIR Carnet. Such a system divides the TIR declaration and the TIR guarantee concepts, thus it means changing one of the basic concepts of the TIR system.
