

National TIR Seminar in Montenegro

Podgorica, 15 - 16 April 2008

Controlled access to the TIR procedure

Economic Commission for Europe

TIR Executive Board (TIRExB)

UNECE TIR Secretariat

National TIR Seminar

(Podgorica; 15 and 16 April 2008)

TIR

**UNITED
NATIONS**



Controlled access to the TIR procedure

Actors

Authorization and control by Customs authorities
Supervision by TIR Executive Board (TIRExB)

Regulations

Minimum conditions for national associations
(Annex 9, Part I of the Convention)

Minimum conditions for TIR transport operators
(Annex 9, Part II)

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Minimum conditions for national associations

- Existence for at least one year
- Sound financial standing
- Knowledge of staff in the application of the Convention
- Absence of offences against Customs or tax law
- Establishment of a written agreement or any other legal instrument with the competent authorities (example agreement by TIRExB)
- (Insurance) coverage of all liabilities vis-à-vis Customs

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Minimum conditions for transport operators

- Capability to engage in regular international transport
- Sound financial standing
- Knowledge in the application of the Convention
- Absence of offences against Customs or tax legislation
- Undertaking in a written declaration of commitment to the association to comply with the provisions of the TIR Convention, including possible liabilities

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Other principles

- Additional and more restrictive criteria may be introduced by the competent authorities and by the associations
- Authorization for access to the TIR procedure does not constitute in itself a right to obtain TIR Carnets from the associations
- Authorization must be revoked if the fulfilment of the criteria is no longer ensured
- Authorized persons should regularly be checked, not only when the initial authorization is granted

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Exclusions according to Article 38

- Person guilty of a serious offence against Customs laws or regulations applicable to international transport of goods
- Temporary or permanent exclusion
- Reported to the TIRExB, local guaranteeing association and to the Customs authorities which authorized the excluded person
- Those Customs authorities are to consider whether the authorization should be withdrawn

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Exclusions Article 38 vs withdrawal of authorization

- **Exclusions according to Article 38:**
 - Only in case of Customs infringements
 - Applicable just in one country (EU is an exception)
 - Should apply against foreign operators only
 - Reported to TIRExB within a week
- **Withdrawal (revocation) of authorization:**
 - Not only for Customs infringements, but also for non-observance of other minimum conditions
 - Complete ban for TIR transports in all countries
 - Applies against domestic operators
 - Reported to TIRExB within a week

THANK YOU