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Best practices

Best practices

Note by the TIR secretariat

Summary

At its forty-sixth session, the TIR Executive Board (TIRExB) decided that, as part of its programme of work for the years 2011–2012, it would review the example of best practices on inquiry procedures.

At its forty-eighth session, TIRExB finalized an update of Chapter 5.4 (inquiry procedure) of the TIR Handbook and decided to transmit it to the TIR Administrative Committee for endorsement.

The purpose of the update is to provide Customs authorities and other parties concerned with the latest examples of national inquiry and recovery procedures, as applied by the European Union and the Russian Federation.

Examples of best practices are included in the TIR Handbook to facilitate the application of the Convention in countries that have newly acceded to the Convention and/or in which TIR operations can be newly undertaken.

I. Background

1. At its forty-eighth session, TIRExB considered Informal document No. 17 (2011), containing updated versions of the inquiry procedures in the European Union and the Russian Federation. TIRExB thanked the various members who had contributed to the update for their excellent work. TIRExB adopted the text of the updated example without further comments, except for a slight change in the title and, possibly, the text, to reflect that, in fact, the example also covers the recovery procedure. TIRExB requested the secretariat to submit the updated draft to the TIR Administrative Committee (AC.2) for endorsement.

2. The updated text of Chapter 5.4. of the TIR Handbook is contained in annex to this document for endorsement by AC.2.

Annex

For the existing text of Chapter 5.4. of the TIR Handbook read

“5.4 Inquiry and recovery procedure

1. The tables below succinctly show the recommended inquiry and recovery procedures to be undertaken by the Customs offices of departure or entry (en route), destination or exit (en route) or the central Customs office.

2. Table 1a outlines the inquiry and recovery procedure applicable in the European Union if the respective electronic message is not returned by the Customs office of destination or exit (en route). Table 1b is applicable in cases where the fallback procedure is used, i.e. where the data processing technique is not available and only the paper TIR carnet is used for transit.

3. Table 2 describes the inquiry and recovery procedure applicable in the Russian Federation if the Customs office of departure or entry (en route) has not received an electronic confirmation of the termination of a TIR operation from the Customs office of destination or exit (en route).

Table 1a

European Union

<i>Actions by customs office of departure or entry (en route)</i>	<i>Conditions</i>	<i>Time-limit</i>
(1) Send request for information (“Status request” message (IE904) to office of destination or exit (<u>en route</u>) (Pre-inquiry action)	Before initiating the Inquiry procedure	After the expiry of the time limit for presentation of the goods at the office of destination if the “Arrival Advice” message (IE006) has not been received or 6 days after the received “Arrival Advice” message if the “Control Results” message (IE018) has not been received
(2) Verify the existence of a record concerning the termination of the transport operation in an authorized international control system operated by the International Organization, in accordance with Annex 10 of the TIR Convention	Same as above (1) and in addition to obtain information needed to address the possible Customs office of destination or exit (<u>en route</u>)	Same time as above (1)
(3) Initiate the Inquiry procedure - send the “Inquiry Request” message (IE142) to the office of destination or exit (<u>en route</u>)	In the case of negative answer to (1)	At the latest, 7 days after the expiry of the time limits referred to in (1). The office of destination or exit (<u>en route</u>) shall reply within 28

<i>Actions by customs office of departure or entry (en route)</i>	<i>Conditions</i>	<i>Time-limit</i>
		days
(4) Send the "Request on non-arrived Movement" message (IE140) or a notification letter to the TIR carnet holder and inform the guaranteeing association to furnish proof that the TIR operation has been terminated (pre-notification)	In the case of lack of response or insufficient response (message) from the office of destination or exit (en route)	At the latest 28 days after (3)
(5) Notify the guaranteeing association and the TIR Carnet holder of the non-discharge of the TIR operation.		After the period for response to (4) (28 days which may be extended for a further 28 days at the request of the holder) has expired
6) Determine person(s) directly liable and/or the competent Customs authorities to collect the Customs debt	In case the Customs debt has been incurred	After (5)
7) Request payment, as far as possible, from person(s) directly liable	In case the Customs debt has been incurred	After (6)
8) Send request for payment to the guaranteeing association	In case the debtor/debtors have not paid after a period of one month.	3 months after (5)

Table 1b
(European Union) – The fallback procedure

<i>Actions by customs office of departure or entry (en route)</i>	<i>Conditions</i>	<i>Time-limit</i>
(1) Verify the existence of a record concerning the termination of the transport operation in an authorized international control system operated by the International Organization, in accordance with Annex 10 of the TIR Convention	Before initiating the inquiry procedure	Appropriate part of the Voucher No. 2 not received within 8 days after the time limit for presentation at the Customs office of destination or exit (en route) has expired.
(2) Send the "TIR Carnet – inquiry notice" to the Customs office of destination or exit (en route)	The TIR operation has not been terminated	Appropriate part of the Voucher No. 2 not returned after 2 months (may be started immediately after (1) by decision). The Customs

<i>Actions by customs office of departure or entry (en route)</i>	<i>Conditions</i>	<i>Time-limit</i>
		office of destination or exit (en route) shall respond within 28 days.
(3) Inform the holder and the guaranteeing association of possible non-termination and inform them to furnish proof (pre-notification)	The TIR operation has not been terminated	After period for response to (2) has expired
(4) Notify the guaranteeing association and the TIR carnet holder of the non discharge of the TIR operation.		After the period for response to (3) (28 days which may be extended for a further 28 days at the request of the holder) has expired
(5) Determine person(s) directly liable and/or the competent Customs authorities to collect the Customs debt	In case the Customs debt has been incurred	After (4)
(6) Request payment, as far as possible, from person(s) directly liable	In case the Customs debt has been incurred	After (5)
(7) Send request for payment to the guaranteeing association	In case the debtor/debtors have not paid after a period of one month.	3 months after (4)

Remarks applicable to both tables

The office-in-charge of the inquiry should inform the TIR Carnet holder and the guaranteeing association within 3 months whether it has accepted the produced alternative proof as an evidence of the discharge of the TIR procedure and also communicate to the holder any evidence supporting the discharge which has been discovered during the procedure.

Where during the inquiry procedure it is established that the TIR operation was terminated correctly, the office in charge of the inquiry shall immediately inform the TIR Carnet holder and the guaranteeing association and, where appropriate, any Customs authorities that may have initiated a recovery procedure.

Table 2

Russian Federation

<i>Action by Customs authorities</i>	<i>Conditions for application</i>	<i>Responsible Customs authority</i>
(1) Send an inquiry about the termination of the TIR operation to the Customs office of destination or exit	Non-receiving of an electronic confirmation of the termination of the TIR operation from the Customs office of destination or exit	Customs office of departure or entry (en route)

<i>Action by Customs authorities</i>	<i>Conditions for application</i>	<i>Responsible Customs authority</i>
(en route)	(en route) within 5 working days after the set deadline for Customs transit	
(2) Inform the holder of the TIR Carnet about the absence of information on delivery of the goods and the beginning of the verification of the facts	Non-receiving of an electronic confirmation of the termination of the TIR operation from the Customs office of destination or exit (en route) within 5 working days after the set deadline for Customs transit	Customs office of departure or entry (en route)
(3) Check the existence of information concerning the termination of the TIR operation in an authorized international control system, such as the SafeTIR system operated by the IRU, in accordance with Annex 10 of the TIR Convention	Receiving a notification (electronic, written) on non-delivery of the goods from the Customs office of destination or exit (en route)	Customs office of departure, of entry (en route) or central Customs office
(4) Start an investigation procedure on the Customs infringement	Immediately after receiving a notification (electronic, written) on non-delivery of the goods from the Customs office of destination or exit (en route)	Customs office of departure or entry (en route)
(5) Give particular attention to documents which may be presented as proof of the proper discharge of the TIR operation	Persons concerned have presented such documents	Customs office of departure or entry (en route) together with Customs office of destination or exit (en route)
(6) If possible, hand over a request for payment to an authorized representative of the TIR Carnet holder or send this request by mail	Not later than 10 working days from the date of detection of non-payment or partial payment of Customs duties	Customs office of departure or entry (en route)
(7) Send the payment request and other relevant documents to a central body that monitors the application of the TIR procedure in a given country	A payment request is not honoured by the TIR Carnet holder within 20 calendar days from the date of receipt of the request	Customs office of departure or entry (en route)
(8) Notify the national guaranteeing association of the non-termination or	A payment request is not honoured by the TIR Carnet	Central Customs body

<i>Action by Customs authorities</i>	<i>Conditions for application</i>	<i>Responsible Customs authority</i>
conditional termination and then lodge a claim in accordance with the provisions of the TIR Convention	holder	
(9) Withdraw the notification or the claim, if the latter has been sent already	The central body has received, to its satisfaction, proof of proper discharge	Central Customs body

Remark

The office in charge of the inquiry should inform the TIR Carnet holder or the guaranteeing association whether it has accepted the alternative evidence of the termination of the TIR operation as well as in cases where, in the meantime, the office could discharge the operation by its own means (the certificate of termination has been found, etc.).

4. A possible specimen inquiry notice form as well as a reminder letter to be recommended for use by Customs authorities are contained below.”¹

¹ Examples of specimen inquiry notice and reminder letter remain unchanged; See pages 270–271 of the TIR Handbook.