

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

Revision of the Convention

Preparation of Phase III of the TIR Revision Process

Transmitted by the Government of Turkey

I. INTRODUCTION

1. We welcome the revised document, constituting Chapter 2 of the Reference Model prepared for the computerization of the TIR procedures, with a reference no. ECE/TRANS/WP.30/2007/16 – ECE/TRANS/WP.30/AC.2/2007/15. However, some of the discussed items at the 116th session are not fully explained in it, but instead partially explained in its footnotes. From our point of view this document merits further clarification.

II. TURKEY'S POSITION

2. The simultaneous characteristic of the TIR Carnet as a customs declaration and a guarantee: The joint characteristic of the TIR Carnet should not be divided in the framework of eTIR works. It is not technically clear for the 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 affecting the working methods of the national Customs system.

3. The Customs declaration characteristic of the TIR Carnet and multiple declarations: According to the TIR Convention, Article 21, the Carnet holder is liable for the declaration of the transported goods to the involved Customs administrations. In the suggested new model, it is prescribed that the Carnet holder fulfills the declaration requirement to the Customs office of departure; thereafter Customs office of departure forwards the declaration through the eTIR international database to the subsequent Customs administrations en route.

4. In this case, the national authorities seem to accept the liability to submit the information of the TIR declaration properly and on time to the subsequent Customs. Hence, they may be hold liable for the delays and errors during the process. In other words, a legal loophole will appear as to whether the Carnet holder shall be liable when the information declared by the Carnet holder does not match with the information delivered electronically.

5. The guarantee information is sent to the eTIR database only once by the guarantee chain: The system prescribes the registration of the TIR guarantee information to the eTIR central database once by the guarantee chain without a final confirmation of the guarantee. We should keep in mind that under these circumstances if there is a clash of information between eTIR databases or loss of data because of technical difficulties, the issue of legal liability might create a major problem.

6. Structure and management of the eTIR international database: By approving this item, the Customs administrations agree to be subject to the eTIR international system. However, the legal structure, liability and responsibility of this body have not been described yet. In addition, there is no information on the necessary resources (financing and personnel) in the revised document. Besides, a 7/24 helpdesk, which is anticipated in order to prevent the potential problems in the system, may create a serious cost.

7. Fallback Scenarios: Although the fallback scenarios were revised in line with the points that were raised at the 116th meeting, the revision made still remains insufficient. In the scenarios, transitions to the paper based and helpdesk solutions are mentioned. These solutions do not seem effective enough since time concept has a paramount importance in this sector. In this line of thinking we are concerned that in case of a fallback, the national Customs administrations may eventually seek a solution in the framework of their national legal systems instead of the TIR Convention.

III. CONCLUSION

8. Turkey is pleased to submit this document to help stimulate discussions. We believe that the Contracting Parties to the TIR Convention would share our concerns on the above points and approval of Chapter 2 of the Reference document can only be accepted by further clarification of the mentioned arguments.

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