

ECONOMIC COMMISSION FOR EUROPE

Informal document WP.30 No. 11 (2008)

INLAND TRANSPORT COMMITTEE

30 May 2008

**Working Party on Customs Questions Affecting
Transport**

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One-hundred-and-nineteenth session

Geneva, 2 - 5 June 2008

Item 8 (b) (ii) of the provisional agenda (WP.30)

CUSTOMS CONVENTION ON THE INTERNATIONAL TRANSPORT OF GOODS

UNDER COVER OF TIR CARNETS (TIR CONVENTION, 1975)

Revision of the Convention

Use of new technologies

Note by the government of Turkey

Turkey's comments on paragraph 4 of the Document ECE/TRANS/WP.30/2008/8

The report of the 117th session of WP.30 document ECE/TRANS/WP.30/234 informs us that:

“The Working Party considered document ECE/TRANS/WP.30/2007/17, submitted by the secretariat. The document contains an overview of issues of a strategic and/or legal nature, identified so far in the course of the eTIR Project. The Working Party welcomed the document as the first step in the examination of the legal and strategic issues of computerization. The Working Party itself intends to continue to deal with the issues raised in the document (and possibly other related issues). *To facilitate further discussions, all parties concerned were invited to submit comments and additions in writing to the secretariat not later than by early November 2007.*”

At the 118th session, upon request of the WP.30, Turkey submitted its comments on the strategic and/or legal issues in this document by the Informal Document No.3 (2008).

Turkey welcomes the document ECE/TRANS/WP.30/2008/8 generated by the secretariat. This document enables us to see clearly how the new eTIR declaration mechanism will work instead of imagining it.

Having checked this document in detail, we have noticed that the “concerns” of Turkish side are perceived as “suggestions” by the secretariat in paragraph 4 of the document ECE/TRANS/WP.30/2008/8. If the paragraphs 8, 9 & 10 of the Informal Document No.3 (2008) are reconsidered with logical sequence, it can be observed that the Turkish side has not brought to discussion a system in which the holder sends his electronic declaration to each and every Customs authority en route by himself. As a matter of fact, these paragraphs try to reveal the inconsistency in work-sharing – responsibility-sharing balance in the submission and the transmission procedures of the declaration.

The main intention of the discussed paragraphs is to draw the attention of the Contracting Parties to the fact that, in case an error occurs during the transmission of the declaration or non transmission of the declaration data, within the eTIR international system, not the holder but the concerned Customs authorities should be liable.

Briefly, we would like to bring to the attention of the Contracting Parties:

Article 21 of the TIR Convention envisages that the TIR Carnet holder has to submit his TIR Carnet at each Customs office en route and at the Customs offices of destination.

However, the proposed model foresees that the TIR Carnet holder has to submit the Customs declaration by electronic means only to the Customs office of departure for acceptance. After this stage, it is the Customs authority who will transmit the declaration to the subsequent Customs authorities en route.

Therefore, our purpose is to discuss the responsibility of the TIR Carnet holder in case any divergences are found, between the declaration which the holder submitted to the Customs office of departure and the declaration received by Customs en route via the eTIR international system. From our point of view, if these divergences occur without the involvement of the TIR Carnet holder, for example due to the breakdowns and problems in the system, in such case, the TIR carnet holder should not be liable.

Taking above points into consideration, the ECE/TRANS/WP.30/2008/8 still needs further clarification especially for the sole liability of the TIR Carnet holder.

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