



**ADMINISTRATIVE COMMITTEE
FOR THE TIR CONVENTION, 1975**

TIR Executive Board (TIRExB)

(Twenty-sixth session, 17-18 May 2005,
agenda item 6 (c))

PREVENTION OF CUSTOMS FRAUD WITHIN THE TIR SYSTEM

Rules and procedures prescribed for the issue of TIR Carnets by national associations

**Additional information about general rules prescribed for the issue of TIR Carnets related to
the use of sub-contractors in the course of a TIR transport**

Transmitted by the International Road Transport Union (IRU)

Following an exchange of views about the informal document No. 4 (2005) transmitted by the IRU regarding rules and procedures prescribed for the issue of TIR Carnets by National Association (TIRExB/REP/2005/25 § 22), the TIRExB expressed the wish to receive additional information about general rules prescribed for the issue of TIR Carnets related to the use of sub-contractors in the course of a TIR transport.

The use of sub-contractors has been tolerated by the IRU under the condition that the general rules, which are set up in an appendix to the **Deed of Engagement** signed by the national Associations accepting to authorize their Holders to use sub-contractors and an appendix the **Declaration of Engagement** signed by each transport company admitted to TIR Customs System and wishing to use sub-contractors, are duly respected.

Rules for the issue of TIR Carnets related to the use of sub-contractors in the course of a TIR transport, prescribed within the contractual relationship between the IRU and the national Associations

The Association wishing to permit its carriers which are authorised members of the TIR scheme to use sub-contractors undertakes to respect the general principles required for the TIR Carnet management and the following specific rules:

- To require the Holder wishing to use sub-contractors to sign an Addendum to his Declaration of Engagement, whereby he undertakes to assume all responsibility, vis-à-vis the chain of guarantee and the Customs authorities, with regard to each TIR Carnet issued to himself the use of which was entrusted to a sub-contractor.
- To ensure that the sub-contractor(s) proposed by the Holder is (are) not subject of suspension or exclusion from the TIR regime by the Customs authorities or by the relevant issuing Association(s). The Association shall equally ensure that every sub-contractor proposed has not been refused admission to the TIR regime by the relevant Association(s) and/ or by the Customs authorities.

Furthermore, the rules prescribed by the competent Bodies of IRU for the use of TIR Carnets are contained in the **Association's TIR Manual**. It has been elaborated in order to provide Associations with assistance and orientation within the framework of the TIR procedures management. It is an integral part of the contractual relationship between the IRU and the national Associations concerned.

According to these general rules, in order to permit a Holder to use sub-contractors to transport goods under cover of a TIR Carnet issued to him, the Association issuing TIR Carnets must ensure that the following conditions have been met:

- The Holder must have completed a separate application form for permission to use sub-contractors and signed a separate addendum to his Declaration of Engagement giving an undertaking to accept all obligations and liabilities on the basis that the sub-contractor is to be regarded as the Holder's own employee.
- The actual user of the TIR Carnet must be in a direct contractual relationship with the Holder named in box 3 on the cover of the TIR Carnet and is transporting goods on the latter's behalf.
- The Holder only uses sub-contractors details of which have already been notified to the Association and not refused by it.
- In box 11 on the cover of the TIR Carnet the following must be written in : "(sub-contractor's name eg XYZ Transport) acting on behalf of (name of Holder) as a sub-contractor".
- If the sub-contractor is a foreigner, the Association will verify with the foreign Association whether the sub-contractor has not been excluded or refused TIR authorisation in its country.
- If a sub-contractor has been refused admission to or excluded from the TIR Scheme the Association must refuse his use by the Holder.

- Rules for the issue of TIR Carnets related to the use of subcontractors in the course of a TIR transport, prescribed by the Declaration of Engagement signed by a transport company wishing to use the services of sub-contractors in the course of transport operations carried under cover of TIR Carnets
- **The TIR Carnet Holder, already admitted to TIR Customs System and authorized to use TIR Carnets, and wishing to use sub-contractors, undertakes to respect the following specific rules:**
 - The Holder may only use, for TIR transport, sub-contractors with whom he has direct contractual relations and who have been approved by his issuing Association.
 - The Holder must recognise the right of the Association to refuse to approve the remittance of TIR Carnets to any particular sub-contractor and to respect this decision of the Association.
 - The Holder must not use the services of a sub-contractor who has been excluded or suspended by his Association for infringements of the TIR system.
 - The Holder must notify the Association of any modification of the list of sub-contractors the services of whom the Holder wishes to use.
 - The Holder must ask the Association to approve any new sub-contractor before making use of his services.
 - The Holder will be liable for all actions of the Holder's sub-contractors as if they were actions of his own or by his own personnel.
 - Besides the Rules relating to the use of the TIR Carnet, the Holder must fill in the TIR Carnets which the Holder remits to his sub-contractors in such a way that:
 - Field 3 of the TIR Carnet cover bears the name of the Holder;
 - Field 11 of the TIR Carnet cover bears the mention "(Name of the sub-contractor) acting on behalf of (Name of the Holder) as his sub-contractor",
 - Box 4 of the Goods Manifest bears the name of the Holder;
 - The signature of the Holder appears in box 12 of the TIR Carnet cover.
 - The Holder must demand that sub-contractors immediately return all TIR Carnets used by them accompanied by all transport-related documents and confirming the proper termination thereof.
 - The Holder must return to the Association, without delay, all TIR Carnets used by the Holder's sub-contractors.
 - The Holder must keep at disposal of the Association and make available to the said Association upon its first request all documents related to the TIR Carnets used by sub-contractors.

All provisions of the Declaration of Engagement by the transport company for admission to the TIR Customs system and authorisation to use ordinary TIR Carnets remain entirely applicable in the case of remittance of TIR Carnets to sub-contractors.

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