



TIR EXECUTIVE BOARD (TIRExB)
COMMISSION DE CONTROLE TIR (TIRExB)
ИСПОЛНИТЕЛЬНЫЙ СОВЕТ МДП (ИСМДП)

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TIR Executive Board (TIRExB)

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Geneva, 27-28 October 2011

Agenda item 7

Review of the examples of best practices on inquiry procedures

Note by the secretariat

I. Background and mandate

1. At its previous session, TIRExB considered Informal document No. 13 (2011), in which the secretariat had reproduced the existing text of Chapter 5.4 of the TIR Handbook, containing the examples of best practices from the Russian Federation and the European Union (EU) on inquiry procedures. Mrs. Korshunova (Russian Federation) informed that, since the introduction of an electronic inquiry procedure fifteen years ago, the Russian procedure had remained unaltered and that, thus, the Russian example of best practices was still accurate. However, TIRExB members from EU member states and the European Commission, in a first reaction, informed that since the adoption of the current example, the inquiry procedure in the EU had significantly changed, mainly due to the introduction of the New Computerised Transit System (NCTS) and that, thus, the example needed to be updated accordingly. TIRExB requested Mrs. A. Dubielak (Poland), Mr. H. Lindström (Finland), Mrs. M. Manta (European Commission) and Mrs. H. Metaxa Mariatou (Greece) to prepare an updated version of the example of best practices on inquiry procedures for discussion at its next session (TIRExB/REP/2011/47draft, paras 19–20).

2. In line with above request, the secretariat retransmits below in Annex information received from Mrs. A. Dubielak (Poland), Mr. H. Lindström (Finland), Mrs. M. Manta (European Commission) and Mrs. H. Metaxa Mariatou (Greece) on the updated version of the example of best practices on inquiry procedures in the European Union, together with additional information received from Mrs. Korshunova (Russian Federation) for consideration by the Board.

¹ The secretariat has issued Informal document No. 17 (2011), originally announced under agenda item 8, to replace the oral information to be provided under agenda item 7.

Annex

5.4. INQUIRY PROCEDURE

1. The tables below show in a succinct way the recommended inquiry 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 enquiry 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 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)

Electronic enquiry procedure

Actions by customs office of departure or entry (<u>en route</u>)	Conditions	Time-limit
(1) Send request for information ("Status request" message (IE904) to office of destination or exit (<u>en route</u>) (Pre-enquiry action)	Before initiating the Enquiry 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 Enquiry procedure - send the "Enquiry 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 days
(4) Send the "Request on non-arrived Movement" message (IE140) or a notification letter to the TIR carnet holder and inform the guaranteeing	In the case of lack of response or insufficient response (message) from the office of	At the latest 28 days after (3)

association to furnish proof that the TIR operation has been terminated (pre-notification)	destination or exit (<u>en route</u>)	
(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

Actions by customs office of departure or entry (en route)	Conditions	Time-limit
(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 enquiry 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 (<u>en route</u>) has expired.
(2) Send the "TIR Carnet – enquiry 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 office of destination or exit (<u>en route</u>) 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	In case the Customs debt has	After (5)

person(s) directly liable	been incurred	
(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 enquiry 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 enquiry procedure it is established that the TIR operation was terminated correctly, the office in charge of the enquiry 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)

Action by Customs authorities	Conditions for application	Responsible Customs authority
(1) Send an inquiry about the termination of the TIR operation to the Customs office of destination or exit (<u>en route</u>)	Non-receiving of an electronic confirmation of the termination of the TIR operation from the Customs office of destination or exit (<u>en route</u>) within five working days after the set deadline for Customs transit	Customs office of departure or entry (<u>en route</u>)
(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 (<u>en route</u>) within five working days after the set deadline for Customs transit	Customs office of departure or entry (<u>en route</u>)
(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 (<u>en route</u>)	Customs office of departure, of entry (<u>en route</u>) or central Customs office
(4) Start an investigation procedure on the	Immediately after	Customs office of

Action by Customs authorities	Conditions for application	Responsible Customs authority
Customs infringement	receiving a notification (electronic, written) on non-delivery of the goods from the Customs office of destination or exit (<u>en route</u>)	departure or entry (<u>en route</u>)
(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 (<u>en route</u>) together with Customs office of destination or exit (<u>en route</u>)
(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 ten working days from the date of detection of non-payment or partial payment of Customs duties	Customs office of departure or entry (<u>en route</u>)
(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 twenty calendar days from the date of receipt of the request	Customs office of departure or entry (<u>en route</u>)
(8) Notify the national guaranteeing association of the non-termination or conditional termination and then lodge a claim in accordance with the provisions of the TIR Convention	A payment request is not honoured by the TIR Carnet holder	Central Customs body
(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.

Specimen inquiry notice
TIR Carnet - Inquiry notice

I. To be completed by the Customs office of departure/office of entry (en route)								
A. TIR Carnet No. Copy of voucher No. 1 attached	B. Customs office of destination/exit (en route)							
C. Customs office of departure/entry (en route) (name and full address)	D. Vehicle registration number or name of vessel, if known							
E. According to information available to this Customs office, the consignment was								
<input type="checkbox"/> 1. Produced to on <table style="display: inline-table; border-collapse: collapse;"><tr><td style="border: 1px solid black; width: 20px; height: 15px;"></td><td style="border: 1px solid black; width: 20px; height: 15px;"></td><td style="border: 1px solid black; width: 20px; height: 15px;"></td></tr><tr><td style="text-align: center; font-size: 8px;">DD</td><td style="text-align: center; font-size: 8px;">MM</td><td style="text-align: center; font-size: 8px;">YY</td></tr></table>						DD	MM	YY
DD	MM	YY						
<input type="checkbox"/> 2. Delivered to on <table style="display: inline-table; border-collapse: collapse;"><tr><td style="border: 1px solid black; width: 20px; height: 15px;"></td><td style="border: 1px solid black; width: 20px; height: 15px;"></td><td style="border: 1px solid black; width: 20px; height: 15px;"></td></tr><tr><td style="text-align: center; font-size: 8px;">DD</td><td style="text-align: center; font-size: 8px;">MM</td><td style="text-align: center; font-size: 8px;">YY</td></tr></table> <small>(name and address of person or firm)</small>						DD	MM	YY
DD	MM	YY						
<input type="checkbox"/> 3. The TIR Carnet holder is unable to give any information about the whereabouts of the goods								
Place and date:	Signature:	Stamp:						
II. To be completed by the Customs office of destination/exit (en route) Request for additional information								
In order to carry out inquiries the Customs office of departure/entry (en route) is requested to send:								
<input type="checkbox"/> 1. a precise description of the goods <input type="checkbox"/> 2. a copy of the CMR consignment note <input type="checkbox"/> 3. the following documents or information:								
Place and date:	Signature:	Stamp:						
III. To be completed by the Customs office of departure/entry (en route) Reply to the request for additional information								
<input type="checkbox"/> 1. The information, copies or documents requested are annexed 1 2 3 <input type="checkbox"/> 2. The information, copies or documents referred to under numbers are not available _ _ 								
Place and date:	Signature:	Stamp:						
IV. To be completed by the Customs office of destination/exit (en route)								
<input type="checkbox"/> 1. Voucher No. 1 was returned on <table style="display: inline-table; border-collapse: collapse;"><tr><td style="border: 1px solid black; width: 20px; height: 15px;"></td><td style="border: 1px solid black; width: 20px; height: 15px;"></td><td style="border: 1px solid black; width: 20px; height: 15px;"></td></tr><tr><td style="text-align: center; font-size: 8px;">DD</td><td style="text-align: center; font-size: 8px;">MM</td><td style="text-align: center; font-size: 8px;">YY</td></tr></table> ; the duly endorsed copy of voucher No. 1 is attached						DD	MM	YY
DD	MM	YY						
<input type="checkbox"/> 2. The duly endorsed voucher No. 2 is attached to this inquiry notice <input type="checkbox"/> 3. Inquiries are being made and voucher No. 2 or a copy of voucher No. 1 will be returned as soon as possible <input type="checkbox"/> 4. The consignment was produced here without the relative document <input type="checkbox"/> 5. Neither the consignment nor the TIR Carnet were produced here and no information about these can be obtained								
Place and date:	Signature:	Stamp:						

Specimen reminder letter
TIR Carnet - Reminder letter

I. Customs office of departure/ entry (<u>en route</u>) (name and address)	II. Authority to which addressed (name and address)
III. Reference/No.	
IV. TIR Carnet (No. and date)	
V. Inquiry notice (No. and date)	
VI. Any details concerning the Customs office of destinations/exit (en route)	
VII. Any other information <div style="text-align: right;">- Continued overleaf -</div>	
VIII. I have not yet received any answer to the above-mentioned inquiry notice Would you please inform me on the present position of inquiries carried out	
IX. Reply to the authority addressed <div style="text-align: right;">- Continued overleaf -</div>	
At.....,.....	
Signature	Stamp

Annexes: A copy of voucher No. 1 of the TIR Carnet
A copy of the inquiry notice
