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TIR Authorized Consignor

Note by the Henrik Lindström (Finland)

I. Background

1. From the viewpoint of the logistics chain, it is of vital importance to, among other things, transfer the customs liability as soon as possible to the operator who in fact possesses the concerned goods. In practice, this means that immediately after loading and when jointly agreed TIR pre-declarations or other necessary measures have been seen to and when the possession of the goods has been handed over to the transport company (TIR Carnet holder), the loading warehouse or the exporter has the possibility to end its responsibility for the goods declared as being loaded into the transport unit.

2. The immediate transfer of liability from the warehouse keeper or from the exporter to the TIR Carnet holder requires, at least, either expanding the text of Article 1 (k) of the Convention in the following way:

A. The dispatching warehouse can be regarded as the customs office, even though the customs declaration is finally confirmed only later by Customs;

Or

B. The customs office that approves TIR pre-declaration submitted to Customs is regarded as the customs office of departure, regardless that the documents are stamped by the authorized consignor. The requirements and the process for using this alternative could be the following:

- The TIR carnet holder [with the status of authorized consignor in TIR] seals the transport unit it has loaded and writes the seal number on pages of the TIR Carnet and confirms the marking with its own stamp. The type of seal to be used is to be approved by Customs. [Customs is to be notified of the ID of the stamp to be used by the authorized consignor – this could be included into the authorization document.]
- The TIR Carnet holder submits to Customs TIR pre-declaration which includes also the ID information of the seal.

- When the requirements are met, Customs confirms that the goods are placed under the TIR operation with a message (or by other means) to the declarant.
- The warehouse keeper takes his own copy (or page 1) of the completed TIR Carnet and a copy of the TIR pre-declaration approved by Customs. The approved TIR pre-declaration is to contain a reference number with which it can be retrieved from Customs' data system.
- - TIR carnet holder presents documents and the vehicle at the next customs office. Etc...

This procedure enables the real-time allocation of the liabilities related to the goods to the particular operator under whose possession and authority the goods factually are. In practice, the responsibility for the loaded goods would be transferred to the TIR Carnet holder in real-time already before the TIR Carnet is confirmed by Customs. The warehouse keeper could, for example, use the copy of the TIR Carnet (or page 1) completed by the TIR Carnet holder as proof of the transfer of liability. The copy should include, among other information, the seal number given by the warehouse keeper as well as the reference number of the TIR pre-declaration approved by Customs.

Or

- C. Alternatively, the Convention should be amended with separate articles on what kind of operators in terms of requirements can take on the responsibility for loaded goods before the presentation of the customs declaration related to the TIR operation (TIR Carnet) is confirmed at the customs office.

II. Pilot stage at the national level

3. According to Article 1 (c) of the Convention, a TIR operation starts when the road vehicle, the combination of vehicles or the container have been presented for purposes of control to the customs office of departure or entry together with the load and the TIR Carnet relating thereto. When the operation is started, the validity of the guarantee is also confirmed for the duration of the transport. For this reason, the term "customs office of departure" as referred to in Article 1 (k) should be interpreted based on national/customs territory requirements. Each contracting party would thus have the right to confirm the processes to be complied with in their own territories. The processes could also take into account any reliability programmes approved at the international and national level.

4. At the pilot stage, TIR transports should be regarded as having started and the liability of the loading warehouse / exporter as having ended at the national level when the warehouse keeper / exporter meeting the reliability criteria has:

- released the goods from its warehouse to the possession of an transport company. In other words, this means that the goods are loaded into the transport unit;
- checked that the transport unit to be used is sealed by the TIR carnet holder;
- checked that TIR carnet holder has added the number of the seal(s) used on pages of the TIR Carnet under the correct section

- added into its warehouse bookkeeping a copy (or page 1) of the TIR Carnet completed by the TIR Carnet holder as well as a copy of the TIR pre-declaration approved by Customs which includes the seal information.

When the above requirements are met, a TIR Carnet holder could act as an authorised consignor in a TIR operation when

- a TIR pre-declaration containing the seal information of the loading warehouse has been submitted to Customs for the transport;
 - the seal indicated in the TIR pre-declaration is intact when the TIR Carnet is presented at the customs office for confirmation;
 - the customs office of departure can make sure that the transport unit has the same seal as indicated by the TIR pre-declaration and the TIR Carnet.
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