



TIR EXECUTIVE BOARD (TIRExB)

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COMMISSION DE CONTROLE TIR (TIRExB)

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ИСПОЛНИТЕЛЬНЫЙ СОВЕТ МДП (ИСМДП)

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Administrative Committee for the TIR Convention, 1975

TIR Executive Board (TIRExB)

Fiftieth session

Athens, 14–15 May 2012

Agenda item 7

Preparation of an example of best practices on the application of Article 11 of the Convention

Note by the secretariat

I. Background and mandate

1. At its previous session, the Board took note of the fact that the existing text of Chapter 5.7. of the TIR Handbook, containing an example of best practices on the application of Article 11 of the Convention, was still valid. However, recalling previous discussions in 2003–2004 when such attempt had failed, the Board reconfirmed that it was of the opinion that the example would greatly benefit from the inclusion of a specimen letter covering pre-notification, considering that this communication was not a legal requirement and, thus, not subject to strict provisions of national law as regards form and content (See TIRExB/REP/2011/48draft, paragraph 19).

2. With reference to the specimen letter used by the countries of the European Union, the secretariat prepared Informal document No. 4 (2012) for consideration by the Board.

3. At its forty-ninth session, the Board had a short exchange of views on Informal document No. 4 (2012), prepared by the secretariat and containing a first draft of a specimen pre-notification letter, for inclusion in Chapter 5.5 of the TIR Handbook. TIRExB invited its members to have a close look at the text of the specimen letter and inform the secretariat, not later than by 15 April 2012 of their comments / suggestions, if any (TIRExB/REP/2012/49draft, paragraph 21).

4. Based on inputs from TIRExB, the secretariat prepared Informal document No. 4 (2012)/Rev.1, for considerations by the Board. For the sake of easy reference, deletions with regard to the original document are in ~~strike through~~ and amendments in ***bold italics***.

II. Specimen pre-notification letter

Information letter to be sent to the TIR guaranteeing association and the TIR Carnet holder

.....

(Full name of the Customs office/administration concerned) (Place and date)

Subject: Information concerning TIR Carnet No.....

addressed to.....

(full name, ~~and~~ address *and ID number*¹ of the TIR Carnet holder)

.....

(full name of the guaranteeing association)

Dear Madam/Sir

*[A TIR operation carried out under cover of TIR Carnet No.....has been registered by the Customs office of.....(Copy of Voucher No. 1 attached) as entering the territory of.....(name of Contracting Party).]*²

We kindly inform you that our Customs administration has not received confirmation of the proper termination in the territory of our ~~country~~/Contracting Party³ of the TIR operation carried out under cover of TIR Carnet No.....

In addition, we have checked the status of this TIR Carnet in the control system for TIR Carnets and:

(1) there is no information confirming the termination of this TIR operation in the territory of ~~our country~~/Contracting Party,

(2) there is a record concerning this TIR operation. We have already contacted the office of destination in.....(place, ~~country~~**Contracting Party**) in order to confirm the information available in the control system for TIR Carnets but have not yet received any confirmation.⁴

Therefore, without prejudice to the notification to be made in accordance with Article 11, paragraph 1 of the TIR Convention, we invite you to provide us with the appropriate documents demonstrating that this TIR operation has been correctly terminated in the territory of(~~country~~/Contracting Party) within 28 days of the date of this letter.

¹ Proposal by the secretariat;

² Proposal by the secretariat;

³ Mrs. Dubielak proposes to delete, throughout the paragraph, the word country and replace it by Contracting Party, in line with the provisions of the Convention, whereas Mrs. Manta, for the same reason, proposes to either use the word Contracting Party or leave a blank space to inserting the name of the country concerned;

⁴ Option 1 OR 2 to be chosen by the Customs administration concerned;

The proof should be furnished in the form of one of the following documents, identifying the goods:

- a document certified by the Customs authorities of the Customs office of destination or exit (en route) of another ~~country~~/Contracting Party establishing that the goods have been presented at this Customs office, or
- a Customs document, issued in *another* ~~a third country~~/Contracting Party confirming that the goods have entered its Customs territory for a Customs approved treatment or use, or
- a document, issued in *another* ~~a third country~~/Contracting Party, endorsed by the Customs authorities of that ~~country~~/Contracting Party and certifying that the goods are considered to be in free circulation in that ~~country~~/Contracting Party.
- a copy or photocopy of abovementioned documents, certified as being true copies by the body which endorsed the original documents, by the authorities of the ~~third countries~~ /Contracting Parties concerned or by the authority of another country/Contracting Party to the TIR Convention, 1975.

Any of the above documents should be sent to⁵

.....
(stamp of the Customs office/signature of the person responsible)

Annex: Copy of Voucher No. 1 of the TIR Carnet

⁵ Proposal by the secretariat.