



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

TIR Executive Board (TIRExB)

(Twentieth session, 19 and 20 November 2003,
agenda item 6 (b))

PREVENTION OF CUSTOMS FRAUD WITHIN THE TIR SYSTEM

Draft questionnaire on the application of Annex 9, Part II of the TIR Convention

Note by the TIR secretariat

A. MANDATE AND BACKGROUND

1. The TIRExB, at its eighteenth session, considered Informal document No.19 (2003) transmitted by the IRU, containing proposals on preventing and combating Customs fraud within the TIR system. As one of the major elements of fraud prevention, the IRU identified the harmonized implementation of Annex 9, Part II of the TIR Convention with the objective to prevent access to the TIR procedure by undesirable operators (TIRExB/REP/2003/18, para. 25).

2. The TIRExB was of the view that a survey on the application at national level of Annex 9, Part II of the TIR Convention should be undertaken. The TIR secretariat was requested to prepare a draft questionnaire for consideration at one of the future sessions of the TIRExB (TIRExB/REP/2003/18, para. 26). The Board also included this issue into its programme of work for 2003-2004 as a priority item.

3. The TIRExB is invited to consider a first draft questionnaire on the application of Annex 9, Part II of the TIR Convention prepared by the secretariat (below). The questionnaire will be accompanied with a cover letter clarifying the reasons and objectives of the survey. As soon as the TIRExB approves the content of the questionnaire, it will be converted into an interactive form which could be filled-in electronically.

* * *

QUESTIONNAIRE
ON THE APPLICATION OF ANNEX 9, PART II OF THE TIR CONVENTION
"AUTHORIZATION FOR NATURAL AND LEGAL PERSONS
TO UTILIZE TIR CARNETS"

Please return the duly filled-in questionnaire,
by **1 May 2004** at the latest, to the TIR secretariat:

Office 400, Palais des Nations,
CH-1211 GENEVA 10;
Fax: +41-22-917-0614
E-mail: tirexb@unece.org

Country _____

Competent authority _____

Note: In multi-choice questions, you can indicate as many replies marked by as you like, but only one alternative marked by .

A. GENERAL INFORMATION

1. How many persons (TIR Carnet holders) are authorized to utilize TIR Carnets in your country at the moment?

Legal persons	Natural persons	Total

2. How many TIR Carnets have been issued in your country in 2003 by the national association(s)?

3. On average, how many road vehicles are used by one TIR holder in your country?

B. MINIMUM CONDITIONS AND REQUIREMENTS

Proven experience or capability to engage in regular international transport

4. Which documents (information) are used to prove experience or capability to engage in regular international transport?

- Licence for carrying out international transport
- Other (please specify) _____
- _____

Sound financial standing

5. When deciding on sound financial standing, which of the following are taken into consideration in your country?

- Real estate
- Movables (vehicles, etc.)
- Financial assets (money, stocks, etc.)
- Other (please specify) _____
- _____

6. Has a monetary threshold been determined in your country in order to decide on sound financial standing?

- Yes. Please indicate the threshold in US dollars:

No

7. Which bodies actually verify information on sound financial standing in your country, being a prerequisite for access to the TIR procedure?

- Customs authorities
- Tax authorities

- National guaranteeing association**
- Other (please specify)** _____

8. In your country, once a person has been granted access to the TIR procedure, is his financial standing checked afterwards?

- Yes, regularly. Please indicate the intervals** _____
- Only if information is available on his insolvency or financial difficulties**
- No**
- Other (please specify)** _____

Proven knowledge in the application of the TIR Convention

9. How does a person prove his knowledge in the application of the TIR Convention?

- No evidences are required**
- By passing a special test (examination) organized by Customs and/or association**
- Other (please specify)** _____

Absence of serious or repeated offences against Customs or tax legislation

10. Which offences against Customs or tax legislation are considered serious in your country?

11. When deciding on the authorization for a legal entity to use the TIR procedure, are serious or repeated offences against Customs or tax legislation committed by physical persons, who are the owners or managers of that legal entity, taken into consideration in your country?

Yes

No

For comments _____

12. Does your country take into due account any information notified by another Contracting Party in accordance with Article 38, paragraph 2 on serious or repeated offences against Customs legislation committed in that country by a person wishing to have access to the TIR procedure in your country?

Yes

No

13. Once a person has been granted access to the TIR procedure in your country, are checks of the absence of serious or repeated offences against Customs or tax legislation carried out?

Yes, regularly. Please indicate the intervals _____

Only if there is information to the contrary

No

Other (please specify) _____

14. Does your country monitor, on a permanent basis, how domestic TIR Carnets holders observe the provisions of the TIR Convention in other Contracting Parties to the Convention?

Yes. Please specify in which way _____

No

C. ADDITIONAL CONDITIONS AND REQUIREMENTS

15. Which additional and more restrictive conditions and requirements are applied to a person wishing to have access to the TIR procedure in your country?

- None**
- Minimum number of vehicles at his disposal. Please specify the number _____**
- Recommendations or surety by other reliable TIR Carnet holders**
- Financial guaranty (bank guaranty, insurance, etc). Please specify the minimum amount of such a guarantee _____**
- Application fee. Please indicate the amount _____**
- Other (please specify) _____**

16. In the opinion of your administration, is it necessary to include into the TIR Convention additional and more restrictive conditions and requirements for access to the TIR procedure?

- Yes. Please outline these additional conditions and requirements: _____**

- No**

D. PROCEDURE

17. Is a national procedure for access to the TIR regime established in your country?

Yes

No

18. Has your country established an authorization committee comprising representatives of the competent authorities and national association?

Yes

No

19. Which governmental authorities are involved in the authorization procedure in your country?

Customs

Tax authorities

Police

Ministry of Transport

Ministry for Foreign Affairs

Other (please specify) _____

20. Who takes a final decision regarding access to the TIR procedure?

Customs

National association

National authorization committee

Other (please specify) _____

21. Is there a prescribed time-limit for taking a decision on access to the TIR procedure by the competent authorities?

- Yes. Please indicate** _____
- No**

22. If a person is refused access to the TIR procedure, can he appeal against this decision?

- No**
- Yes. Please outline the procedure** _____
- _____
- _____

23. In 2003, how many persons have been granted access and how many persons have been refused access to the TIR procedure in your country?

Access granted	Access refused

E. WITHDRAWALS

24. If a person no longer fulfils criteria for access to the TIR procedure, who can withdraw his authorization?

- Customs**
- National association**
- National authorization committee**
- Other (please specify)** _____
- _____

25. In order to exclude from the TIR regime a domestic person guilty of a serious offence against Customs legislation in your country, are the provisions of Article 6, paragraph 4 and Annex 9, Part II, paragraph 1 (d) (withdrawal of authorization) or the provisions of Article 38, paragraph 1 (exclusion) used?

Article 6, paragraph 4 and Annex 9, Part II, paragraph 1 (d)

Article 38, paragraph 1

For comments _____

26. In 2003, how many domestic persons have been withdrawn from the TIR procedure according to Article 6, paragraph 4 and Annex 9, Part II, paragraph 1 (d)?

27. In 2003, how many domestic persons have been excluded from the TIR procedure according to Article 38, paragraph 1?

F. INTERNATIONAL TIR DATA BANK (ITDB) AND DATA EXCHANGE

28. Does your country transmit to the TIRExB the required data within one week from the date of authorization or withdrawal of authorization to use TIR Carnets?

Yes.

No. Please explain why _____

29. Does your country annually transmit to the TIRExB an updated list as per 31 December of all authorized persons as well as of persons whose authorization has been withdrawn?

Yes.

No. Please explain why _____

30. Where are the national data on TIR Carnet holders stored?

- In the ITDB2001**
 - In the ITDB (old version)**
 - In a national database which is:**
 - Oracle**
 - MS SQL Server**
 - Progress**
 - Access**
 - Other (please specify) _____**
 - In text files (txt, Word, WordPerfect, etc.)**
 - In spreadsheet files (Excel, Lotus123, etc.)**
 - Other (please specify) _____**
-

31. Computer(s) used to maintain the TIR Carnet holders data are:

(a)

- Connected to the Internet**
- In a network but not connected to the Internet**
- Stand alone**
- Other (please specify) _____**

(b)

- Windows (please specify the version) _____**
- Macintosh (please specify the version) _____**
- Linux (please specify the version) _____**
- Other (please specify) _____**

32. How is the data exchanged between the national association(s) and the Customs authorities?

- Replication (database to database)**
 - E-mail (please specify the format of files)** _____
 - Diskettes (please specify the format of files)** _____
 - Fax**
 - Paper**
 - Other (please specify)** _____
- _____