



---

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

**TIR Executive Board (TIRExB)**

(Twenty-second session, 24 and 25 May 2004,  
agenda item 4 (c))

**PREVENTION OF CUSTOMS FRAUD WITH THE TIR SYSTEM**

**Application of Annex 9, Part II of the TIR Convention**

**Survey on controlled access to the TIR procedure**

**Note by the TIR secretariat**

At its previous session, the TIRExB considered Informal document No.27 (2003), containing a draft survey on the application of Annex 9, Part II of the TIR Convention at the national level. The Board delivered a number of remarks concerning the structure and content of the survey and mandated the TIR secretariat to finalize the document (TIRExB/REP/2004/21draft, para.21). Following the session, the secretariat has modified the questionnaire accordingly and distributed it throughout Customs administrations and national guaranteeing associations of the Contracting Parties. A deadline for replies has been set on 15 June 2004. The final version of the survey is reproduced below.

\* \* \*



NATIONS UNIES

ОБЪЕДИНЕННЫЕ НАЦИИ

UNITED NATIONS

COMMISSION ÉCONOMIQUE  
POUR L'EUROPE

ЕВРОПЕЙСКАЯ ЭКОНОМИЧЕСКАЯ  
КОМИССИЯ

ECONOMIC COMMISSION  
FOR EUROPE

Palais des Nations, CH-1211 Geneva 10, Switzerland

**TRANSPORT DIVISION Fax: +41-22-917-0039**

(in case of incomplete transmission, please call immediately +41-22-917-2401)

(dans le cas d'une transmission incomplète, appeler immédiatement +41-22-917-2401)

(в случае неполной передачи просьба сообщить по тел. +41-22-917-2401)

<b>3 May 2004</b>	<b>Author:</b> K. Glukhenkiy	<b>File No.:</b> TRAN/E.B.1.1	
<b>Pages:</b> 2+9	<b>Appr.:</b> P.Hansen, TIR Secretary	<b>Ref.:</b>	G:\...\tirexb\secr\fax\2004\QuestAnnex9-e
<b>Fax. No:</b>	<b>To:</b> <b><u>TIR Customs focal points</u></b>		

**Subject: Questionnaire on the application of Annex 9, Part II to the TIR Convention (authorized access of natural and legal persons to the TIR procedure)**

Dear Sir/Madam,

Controlled access to the TIR procedure is generally recognized as one of the five pillars of the TIR system. It came into force in 1999 under Phase I of the TIR revision process and established a number of minimum conditions and requirements for transport operators to utilize the TIR system, which are laid down in Annex 9, Part II to the TIR Convention. These measures were introduced to safeguard the TIR system against fraudulent activities, committed in particular by international organized crime.

For the last five years, Contracting Parties have gained experience in the implementation of Annex 9, Part II to the TIR Convention. Controlled access to the TIR procedure has proved to be an indispensable tool to combat Customs fraud by preventing unwanted operators from joining the TIR system. At the same time, it has become obvious that not all opportunities created by the above provisions of the TIR Convention have been exhausted and that their application can be improved.

In 2003, the TIR Executive Board (TIRExB) included the application of controlled access to the TIR procedure into its programme work for 2003-2004 as a matter of priority. The TIRExB noted that the implementation of Annex 9, Part II varies from one country to another. To provide transparency on the matter, to identify examples of best practice and to highlight areas of possible improvement, the TIRExB and the TIR secretariat have developed a questionnaire which you will find attached to the present letter. The sequence of questions follows the structure of Annex 9, Part II to the TIR Convention. I should be grateful if you could reply to this questionnaire at your earliest convenience, **but not later than 15 June 2004**. To facilitate your work, the TIR secretariat has also developed an interactive form which you can fill in electronically. On request, this form can be sent to you via email.

cc: National guaranteeing associations

According to the TIR Convention, controlled access to the TIR procedure should be implemented by the Customs authorities in close cooperation with the national guaranteeing association. Therefore, it is highly desirable that the association participate in replying to the survey, in particular to questions 1, 2, 4, 5, 6, 10 and 17. To facilitate collaboration, a copy of the questionnaire is also sent to the national guaranteeing associations and IRU.

Should you have any question regarding the survey, please do not hesitate to contact the TIR secretariat.

Thank you very much for your valuable cooperation.

Yours sincerely,

Poul Hansen  
TIR Secretary  
Economic Affairs Officer  
Border Crossing Facilitation Section  
UNECE Transport Division



**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 **15 June 2004** at the latest, to the TIR secretariat:

Office 400, Palais des Nations,  
CH-1211 GENEVA 10;  
Fax: +41-22-917-0614, 917-0039  
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 <sup>1</sup>	Natural persons <sup>2</sup>	Total

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

\_\_\_\_\_

**3. How many TIR operations have been undertaken in your country in 2003?**

For importation	For exportation	In transit	Total

<sup>1</sup> The terms "legal person" and "natural person" are defined according to national legislation.

<sup>2</sup> See footnote 1.

4. Please provide a breakdown indicating the average number of road vehicles used by one TIR holder in your country.

Number of vehicles used by one TIR Carnet holder	Percent of TIR Carnet holders
0	
1 or 2	
from 3 to 10	
more than 10	
<b>Total: 100 %</b>	

**B. MINIMUM CONDITIONS AND REQUIREMENTS**

**Proven experience or capability to engage in regular international transport**

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

- Licence for carrying out international transport
- CPC (Certificate of Professional Competence)
- Other (please specify) \_\_\_\_\_
- \_\_\_\_\_

**Sound financial standing**

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

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

**7. 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:**

\_\_\_\_\_ **per company, or**

\_\_\_\_\_ **per vehicle**

**No**

**8. 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**

**License authorities**

**Audit companies**

**National guaranteeing association**

**Other (please specify) \_\_\_\_\_**

\_\_\_\_\_

**9. Following authorization, is the holder's financial standing subsequently checked to ensure it remains sound?**

**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**

**10. 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
- By passing a special test (examination) organized by the association
- Other (please specify) \_\_\_\_\_  
\_\_\_\_\_

**Absence of serious or repeated offences against Customs or tax legislation**

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**12. Which types of offences against Customs or tax legislation do you consider repeated?**

\_\_\_\_\_  
\_\_\_\_\_

**13. 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** \_\_\_\_\_  
\_\_\_\_\_



**14. 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**

**15. Following authorization, is the absence of serious or repeated offences against Customs or tax legislation checked?**

**Yes, regularly. Please indicate the intervals** \_\_\_\_\_

**Only if there is information to the contrary**

**No**

**Other (please specify)** \_\_\_\_\_

\_\_\_\_\_

**16. 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**

**17. 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 guarantee (bank guarantee, insurance, etc). Please specify the minimum amount of such a guarantee \_\_\_\_\_**
- Application fee. Please indicate the amount \_\_\_\_\_**
- Other (please specify) \_\_\_\_\_**  
\_\_\_\_\_  
\_\_\_\_\_

**18. 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**

**19. Is the procedure for access to the TIR regime incorporated into national legislation of your country?**

**Yes**

**No**

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

**Yes**

**No**

**21. 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) \_\_\_\_\_**

\_\_\_\_\_

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

**Customs**

**National association**

**National authorization committee**

**Other (please specify) \_\_\_\_\_**

\_\_\_\_\_

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

**Yes. Please indicate** \_\_\_\_\_

**No**

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

**No**

**Yes. Please outline the procedure** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**25. 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**

**26. 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)** \_\_\_\_\_

\_\_\_\_\_

**27. 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** \_\_\_\_\_

\_\_\_\_\_

**28. 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)?**

\_\_\_\_\_

**29. 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**

**30. 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 \_\_\_\_\_
- \_\_\_\_\_

**31. 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 \_\_\_\_\_
- \_\_\_\_\_