



**UNITED
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**Economic Commission
for Europe**



Survey on Customs claims and the TIR guarantee level

Agenda item 6 (d)

André Sceia

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Outline

- Background
- Replies
- Results
 - Selected results
- Analysis of the results
 - Comparison with the results of the 2007 survey
 - Comparison with the IRU claims statistics
 - Other issues for consideration
 - Origin of pending claims
 - Evolution of the real value of the guarantee level
- Next steps

Background

- In April 2011, TIRExB approved the final version of the survey on the TIR guarantee level and on the functioning of the TIR guarantee system
- The electronic survey was sent out in June 2011
- The deadline for replies was 30 September 2011.
- **ECE/TRANS/WP.30/AC.2/2012/7**

Replies

- 42 countries have replied to the questionnaire:
 - Armenia; Austria; Azerbaijan; Belarus; Belgium; Bosnia and Herzegovina; Bulgaria; Croatia; Cyprus; Czech Republic; Estonia; Spain; Finland; France; Germany; Greece; Hungary; Ireland; Italy; Kazakhstan; Kyrgyzstan; Lithuania; Latvia; Montenegro; Morocco; Netherlands; Norway; Poland; Portugal; Republic of Moldova; Romania; Russia; Serbia; Slovakia; Slovenia; Sweden; Switzerland; The Former Yugoslav Republic of Macedonia; Turkey; Ukraine; United Kingdom; Uzbekistan.
- 18 did not have any claims to report.

Results

- Customs claims against national guaranteeing associations
 - EU countries & Non-EU countries
- Customs claims against the persons directly liable
 - EU countries & Non-EU countries
- TIR guarantee level
 - EU countries & Non-EU countries

Selected results

- Average claim value
 - EU : € 17'110 / Non EU : € 18'874
- Claims withdrawn
 - EU : **60 %** / Non EU : 17 %
- Claims subject to legal proceedings
 - EU : 9 / Non EU : 80
- Numerous remarks regarding the current TIR guarantee level (e.g. : insufficient, not in line with current economic reality, SDR, ...)

Analysis of the results

- Comparison with the results of the 2007 survey
- Comparison with the IRU claims statistics
- Other issues for consideration

Comparison with the results of the 2007 survey

	<i>2011 survey</i>	<i>2007 survey</i>
Average number of lodged claims per year	201	866
Average amount of lodged claims per year (€)	3 630 378	22 625 657
Average number of claims paid per year	91	58
Average amount of claims paid per year (€)	1 705 851	853 984
Average value of lodged claim (€)	17 992	26 142
Claim rate (1 per # issued carnets)	14 193	3 900

Comparison with the results of the 2007 survey

- Significant drop in the claims rate from 1 claims per 3900 TIR Carnet in the 2007 survey to 1 per 14193 in the 2011 survey
- The average claim amount dropped by more than 30%
- Annual average number and amount of paid claims has increased significantly but remains less than half of the figures reported for the period 1999–2001 (237)

Comparison with the IRU claim statistics

	<i>IRU Statistics</i>					<i>TIRExB survey new claims</i>
	<i>New claims</i>	<i>Paid claims</i>	<i>Closed without payment</i>	<i>Pending claims</i>	<i>Recalculated pending claims</i>	
t	(a)	(b)	(c)	(d)	$(d)_{t-1} + (a)_t - (b)_t - (c)_t$	(e)
2010	240	101	339	6586	6578	202
2009	178	126	59	6778	6871	212
2008	168	89	240	6878	6856	230
2007	NA	93	208	7017	6837	158
2006				7138		

Comparison with the IRU claims statistics 1/2

- Different numbers of claims lodged each year (IRU figure should be greater)
- IRU statistics do not add up,
i.e. $(d)_t \neq (d)_{t-1} + (a)_t - (b)_t - (c)_t$
- 150 claims raised during the period 2007-2010 are still pending
- 6436 pending claims date back from before 2007

Comparison with the IRU claims statistics 2/2

- Potential reasons
 - Different numbers of claims lodged each year
 - Incomplete coverage.
 - Date of issuance vs date of receipt of the claim
 - Multiple claims for a single TIR Carnet
 - Persons directly liable vs national guaranteeing associations
 - Miscommunication between local and central Customs administrations
 - IRU software for claims handling
 - IRU statistics do not add up
 - A set of claims from 1 country taken out from IRU's claims database
- IRU can provide WP.30 with data covering extended periods of time (rather than just for a single year)

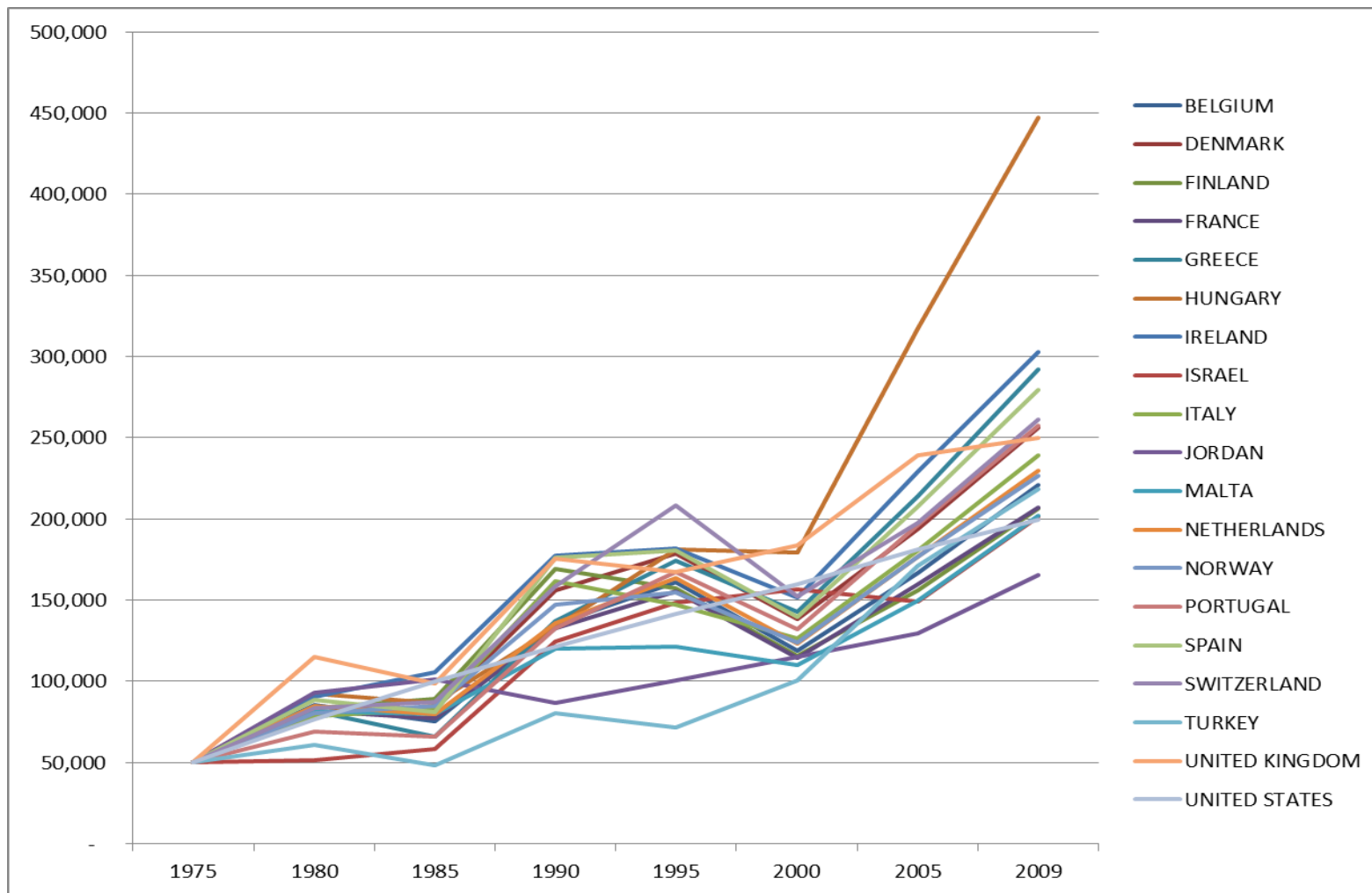
Other issues for consideration

- In the EU, 66% of payments is made after the 3 month deadline
- 85% in non EU countries
- EU: 60% of claims are withdrawn (**In one country: 85 to 100% → EC**)
- In a number of countries, additional guarantees are required when the TIR Carnet does not cover the totality of Customs duties and taxes.

Origin of pending claims

Claim raised in..	Pending claims at the end of...			
	2010	2009	2008	2007
2010				
2009				
2008				
2007				
2006				
2005				
2004				
2003				
2002				
2001				
2000				
1995-1999				
1990-1994				
1985-1989				
1980-1984				
1979 and before				

Evolution of the real value of the guarantee level (USD)



Next steps

- Ensure that the majority of payments is made before the deadline set by the TIR Conventions (3 months deadline) by promoting best practices
- Identify the reason for the high numbers of withdrawals in the EU (EC)
- **Define the time period** for the IRU's reporting of claims to WP.30
- Include more **details on pending claims** in the next survey
- Survey every **two years**
- Consider the **relevance of a 50,000US\$ guarantee level** in the light of the evolution of the real value of the guarantee



Contacts

UNECE/TIR SECRETARIAT Transport Division

8-14, Avenue de la Paix
CH-1211 Geneva 10
Switzerland

Phone: +41 22 917 13 13

Fax: +41 22 917 06 14

Email: etir@unece.org

Web: <http://etir.unece.org>