KEY MEASURES TO PREVENT DEBT RECOVERY IN THE TRANSIT REGIME

TOBBUND

BRIDGING BORDERS

Key Measures to Prevent Debt Recovery in the Transit Regime

The collection and protection of public receivables arising under the transit regime are of critical importance for ensuring the proper conduct of foreign trade operations. Within this framework, it is possible to prevent penalties and receivables subject to recovery by regularly monitoring the process starting from the departure of the goods from the office of departure and by ensuring that the required documents are obtained within the legal time limits.

Issues That May Arise During the Declaration and Operational Phase

At this stage, the fundamental principle is to ensure that the goods are not removed from customs supervision irregularly and that they arrive at the office of destination within the assigned transit time.

Pursuant to Article 197 of the Turkish Customs Law No. 4458, if the declaration is not discharged within the assigned transit period, customs duties are deemed to have accrued at the end of that period. If no **alternative proof** is submitted to the office of departure, the recovery process is initiated by the competent customs authority.

Control, Inspection and Detection of Irregularities

If a discrepancy is identified between the declared goods and the goods detected during controls at the office of destination, an irregularity process is initiated.

At this point, there are two main scenarios:

• **Evident Discrepancy (Customs Law Article 235/5):** If the goods are clearly different from what was declared without the need for technical examination (e.g., a wristwatch found instead of an electronic cigarette), penalties are imposed directly depending on the nature of the act.

(a) If there is an excess tax difference: a penalty of twice the tax difference
(b) If the goods are subject to import license/permit: a penalty of twice the customs value
(c) In case of shortage: collection of tax + a penalty of twice the tax
(d) In case of surplus: a penalty equal to the customs duties of the excess goods and seizure of the goods

• **Document and Origin Investigation (Customs Regulation Article 239):** If there is no visible discrepancy but a shortage or surplus is detected, the declarant is given time to prove the origin of the discrepancy.

At this stage, supporting documents such as **origin statements** or declaration attachments submitted within 28 days are examined, and a decision is made either to close the follow-up process or to proceed with penalties.

Additional assessments and penalty decisions arising from identified discrepancies are formally notified to the liable party. Submission of the original, duly approved origin document within the prescribed period prevents the initiation of the recovery process.

*__Alternative Proof:__ Documents approved by the **customs office of destination** that demonstrate the proper discharge of the transit procedure (e.g., import declaration, warehouse declaration, etc.).
**__Origin Statement:__ An official document obtained from the institution or agency responsible for loading, used to substantiate declaration discrepancies (such as shortages, surpluses, or incorrect unloading), and duly approved by competent authorities such as the local administrative authority, customs administration, chamber of commerce, or port authority.

Occurrence of Customs Debt and Recovery Under EU Legislation

Under the Common Transit Convention, customs debt arises in principle under the following circumstances:

1. Failure to properly discharge the transit procedure

If the goods are not presented at the office of destination, if information exchange messages between customs offices are not completed, or if the procedure is not finalized on time

2. Goods are missing / lost / substituted

If the goods under transit are found to be missing, replaced, or lost

3. Removal of goods from customs supervision

Situations such as seal tampering, unauthorized unloading, or deviation from the prescribed route are considered irregularities and give rise to customs debt

In such cases:

- The country where the debt arises is determined,
- The responsible customs authority for recovery is identified,
- If necessary, administrative cooperation is requested from other contracting countries.

Case Example 1

A transit declaration is opened for a vehicle carrying electronic goods from Türkiye to Germany. The office of departure is Muratbey, and the office of destination is Hamburg. The transit period is 9 days.

The vehicle arrives in Germany; however, the goods are not presented to the office of destination, and the procedure is not discharged in the NCTS system.

What happens?

1. The declaration remains open after the deadline.
2. The office of departure initiates an investigation process.
3. Alternative proof is requested from the carrier / principal.
4. If no proof is submitted, it is assumed that the goods have been irregularly removed from the regime.
5. In this case, customs debt arises for import duties, VAT, and other financial liabilities in accordance with Articles 50 and 51 of the Customs General Communiqué (Serial No: 4), and recovery proceedings are initiated.

Case Example 2

A transit declaration is opened for a vehicle carrying textile goods from Bulgaria to Poland. The transit period is 15 days.

Before crossing the border, the vehicle has an accident due to heavy rainfall, and the trailer overturns.

What should be done?

1. Immediately notify the nearest customs authority and competent authority.
2. Do not unload the goods without authorization.
3. Obtain official reports/documents (police report, accident report, seal damage report, etc.).
4. Inform the principal immediately and submit official documents.
5. Do not proceed without instructions from the competent authority.

Failure to notify may be considered an irregularity, resulting in customs debt and potential suspicion of smuggling.

Strengthening Pre-Declaration Control Mechanisms

Controls carried out before the registration of the declaration are critical in preventing incorrect or incomplete declarations.

In this context:

• Comparing the value of goods with market data
• Applying a secondary control mechanism in tariff classification
• Verifying origin information with supporting documents

Obtaining a stamped copy of the transit declaration from the office of destination is recommended to mitigate the risk of open declarations.

Tracking declarations via the Europa web provider's **"MRN Follow-up"** system is also essential. The "Arrived-at-Destination" message should be visible before unloading.

🔗 https://ec.europa.eu/taxation_customs/dds2/mrn/mrn_home.jsp?Lang

In cases such as accidents, delays, seal tampering, transshipment, or route deviations during transport, the carrier must immediately notify the nearest customs authority.

Requesting the import declaration from the consignee in advance can help prevent potential penalties.

Customs debts and penalties arising under the transit regime are often due to insufficient monitoring and delays in completing closure procedures. Therefore, it is essential not only to correctly register the declaration but also to ensure that the transit procedure is properly discharged.