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Economic Commission for Europe

Inland Transport Committee

Working Party on Customs Questions affecting Transport

Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure

Twentieth session

Prague, 19-20 April 2012

Item 4 (a) of the provisional agenda

Reference Model of the TIR procedure:

Contributions of the network of eTIR focal points

Summary of the activities of the network of eTIR focal points

Note by the secretariat

I. Background

1. At its 124th session in February 2010, the Working Party on Customs Questions Affecting Transport (WP.30) supported the secretariat's call to organize activities of the Informal Ad hoc Expert Group on Conceptual and Technical aspects of Computerization of the TIR Procedure (GE.1 or Expert Group) at long distance, by means of a network of focal points for eTIR (ECE/TRANS/WP.30/248, para. 22). At its 125th session, it stressed the importance for every Contracting Party to nominate a focal point for the eTIR project and to inform the secretariat accordingly (ECE/TRANS/WP.30/250, para. 19). This document presents the status of the network of eTIR focal points and summarizes its activities since the nineteenth session of the GE.1.

II. Members of the network of eTIR focal points

2. The following twenty-two Contracting Parties to the TIR Convention have nominated at least one eTIR focal point: Albania, Austria, Azerbaijan, Belarus, Belgium, Czech Republic, Estonia, Finland, France, Hungary, Latvia, Mongolia, Montenegro, Netherlands, Poland, Romania, Serbia, Slovakia, Sweden, Turkey, Ukraine and United Kingdom of Great Britain and Northern Ireland. The e-mail addresses of the focal points are available on the eTIR website (www.unece.org/trans/bcf/etir/focals.html).

III. Information received from the network of eTIR focal points

3. Since the nineteenth session of the Expert Group, eTIR focal points have not communicated to the secretariat any issue or input to be brought to the attention of GE.1.

IV. Queries to the network of eTIR focal points

4. At its 19th session, GE.1 started discussing issues related to electronic signatures while considering the need to amend the eTIR Reference Model to introduce international declaration mechanisms. In this framework, GE.1 considered document ECE/TRANS/WP.30/GE.1/2011/9, which contains background information, a number of open questions as well as a technical proposal to introduce international declaration mechanisms. GE.1 requested the secretariat to launch a survey among both TIR and eTIR focal points, aimed at gathering information from all TIR Contracting Parties on the current and expected practice, rules and regulations on electronic signatures.

5. On 23 February 2012, the secretariat sent an e-mail to TIR and eTIR focal points with queries, as reproduced in the annex. Focal points were first requested to provide comments on document ECE/TRANS/WP.30/GE.1/2011/9, and then answer the questions contained in the "Survey on the use of electronic signatures in the framework of the eTIR project". Table 1 shows the comments provided by focal points on document ECE/TRANS/WP.30/GE.1/2011/9. The results of the survey are presented separately in Informal document GE.1 No. 3 (2012).

Table 1
Comments on document ECE/TRANS/WP.30/GE.1/2011/9

| <i>Country</i> | <i>Comments</i> |
|----------------|---|
| France | <p>Document ECE/TRANS/WP.30/GE.1/2011/9, paragraph 25 (page 6), indicates that "it would be easy to implement a mechanism that would allow national associations or Customs administrations to deliver internationally recognized electronic certificates together with the TIR Carnet holder's identification Number. If duly recognized in the TIR Convention, a certification authority could be created under international auspices and provide certificates for those transport companies that meet the requirements to use the TIR system."</p> <p>This paragraph suggests that a certificate would be given to the transport company as soon as authorization is granted. We agree about the simplicity of that scenario. However, supporters of the electronic signature solution must check if providing certificates to "transport companies" is sufficient. In this respect, EU Directive 1999/93/EC distinguishes "electronic signature" (with minimal requirements) from "advanced electronic signature" (which must be linked to a natural person, and is the only one that can really, -and without any possible contestation-, satisfy the legal requirements of a signature).</p> <p>Being delivered to "transport companies", and not to natural persons working for these companies, that certificates could probably not be the basis of real legal signatures. That rules seems quite logical : if a certificate is delivered to a company, it is not possible to know who really uses that certificate, and to know if that very individual has authority to realize binding formalities on behalf of the company.</p> |
| United Kingdom | <p>In the report section III discusses ways of transport operators sending messages to customs administrations. The first method would be by</p> |

| <i>Country</i> | <i>Comments</i> |
|----------------|--|
| | <p>UN/EDIFACT or XML. To do this the operators would need credentials (login ID and passwords.) The report theorises that one way of ensuring that an operator can start a movement in any TIR country is to ensure countries have a universal system. This would mean that an operator of TIR could login to the system of any TIR country and send information that they are starting a TIR movement in their country.</p> <p>Could we offer an alternative to this?</p> <p>Each country approves the TIR operators in their territory. So it “knows” them. When they currently start a movement the only location codes available for the beginning of the TIR movement is in their own country. If we want operator to be able to start movements in another country we could amend the system to</p> <ul style="list-style-type: none"> - list codes from other countries. - send a message to the office of departure with the needed information <p>This would have the benefit of</p> <ul style="list-style-type: none"> - the “home “ country of the operator would know all his TIR movements and can see if any unusual patterns develop - if fraud is suspected they can visit the premises easily - the “home country “ would know all its users and could “police” them as needed. If approval is withdrawn it would have an instant affect. - the guarantee would always come from the “home country” and be easy to verify. - the operator would only have to input information in his own language. - it should be easier to authenticate users from your own country rather than have to authenticate users from every country <p>The second option given consists of a Custom website which has the same difficulties over login and would need to be budgeted. I am not sure that many countries are in a position to have fund new systems.</p> |

V. Further considerations

6. GE.1 may wish to take into account the views of focal points contained in this document as well as in Informal document GE.1 No. 3 (2012) when re-evaluating the amendment proposal contained in document ECE/TRANS/WP.30/2011/9.

Annex

Questions sent on 23 February 2012 to TIR and eTIR focal points

1. In order to allow the GE.1 to discuss this issue at its 20th session on 19-20 April 2012, you are invited to consider document ECE/TRANS/WP.30/GE.1/2011/9 (available on the UNECE border crossing facilitation web site - border.unece.org) or by following the link below:

http://www.unece.org/fileadmin/DAM/trans/bcf/adhoc/conc_tech/documents/ECE-TRANS-WP30-GE1-2011-09e.pdf

and provide your comments/suggestions, if any.

2. In addition, you are kindly requested to respond to the few questions below.

Considering that this email is addressed at both TIR as well as eTIR focal points, we kindly ask you to contact each other as well as, if possible, national competent authorities in charge of issues related to electronic signatures or authentication mechanisms and provide a single, coordinated, answer for your country.

In order to allow enough time for the secretariat to compile the results and prepare a document in time for the 20th session of GE.1, you are kindly requested to provide your comments to the above document and reply to the survey not later than by 15 March 2012.

SURVEY ON THE USE OF ELECTRONIC SIGNATURES IN THE FRAMEWORK OF THE eTIR PROJECT

• Bearing in mind that in the future eTIR system the Customs declaration will be lodged and accepted at the moment when the holder (or his representative) presents the goods, the vehicle and a reference to the advance cargo information to Customs, do you consider it necessary that the holder authenticates himself at the time of the electronic submission of the advance cargo information by means of using an electronic signature or any other type of authentication mechanism?

___ Yes ___ No

Rationale : _____

• In your country, do Customs authorities already have in place a legal mechanism for user authentication or the use of electronic signatures?

___ Yes ___ No

If yes, could you indicate what kind of laws are applicable?

If no, are you aware of any plans in your country to introduce for Customs purposes the use of electronic signatures or any other form of authentication mechanism in the near future?

• In your country, do Customs authorities accept the use of signatures certified by foreign certification authorities?

___ Yes ___ No

If no, are you aware of any intention to change this in the near future?

Yes No

• In your view, would it be possible that, in the future, the Customs authorities of your country could accept electronic signatures, if these were issued or certified by an internationally recognized certification authority (i.e. a certification authority that would be recognized by an international legal instrument, such as the TIR Convention)?

Yes No

If yes, would your government be interested that such certification authority would be developed within the legal framework of the TIR Convention?

Yes No
