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Working Party on Customs Questions affecting Transport

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Item 3 (b) (ii) of the provisional agenda

Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975):

Revision of the Convention

Preparation of Phase III of the TIR revision process

Transmitted by the International Road Transport Union

Background and mandate

1. At the 145th session of the Working Party on Customs Questions affecting Transport (February 2017), the International Road Transport Union (IRU) recalled that, during the meeting of the Expert Group on Legal Aspects of Computerization of the TIR Procedure (GE.2) in December 2016, it had submitted a proposal to expedite the implementation of computerization, by means of introducing a single and generic provision in the body of the TIR Convention, as per the example of e-ATA. This would serve as an intermediate legal framework which would provide those Contracting Parties that wished to do so, the option to immediately start carrying out TIR transports, while the eTIR legal framework is being set and implemented. The Working Party agreed to study such a proposal at its next session and requested IRU to prepare a document to that end (see ECE/TRANS/WP.30/290, para. 23).

2. In Annex, the secretariat reproduces the proposal transmitted by IRU, together with some introductory explanations.

Annex

I. IRU proposal

1. IRU proposes to include an Article 5.bis in the TIR Convention, which could be read as follows:

“All formalities necessary for implementing the provisions of this Convention may also be carried out by using electronic data processing techniques approved by Contracting Parties interested in their use”.

II. Analysis

2. The IRU article proposal took into account that computerization is already in force in other legal frameworks. In some cases, it was in a simple article and in others, by the introduction of transitional periods for its implementation:

(a) eATA - The electronic Carnet for the temporary admission of goods (ATA Carnet) is established under a single article to the Convention on Temporary Admissions (Istanbul Convention 1990) that reads:

“All formalities necessary for implementing the provisions of this Convention may be carried out electronically by using electronic data processing techniques approved by the Contracting Parties”.

(b) Union Customs Code (UCC) - While the substantive provisions of the UCC entered into force on 1 May 2016, it was necessary to have a transition period before full implementation could be achieved. This was primarily due to the fact that there was a need to develop new (IT) systems or upgrade existing ones in order to fully implement the legal requirements. Therefore, not all of these systems were put in place on 1 May 2016. This transition period will last until 31 December 2020. The detailed rules regarding the transitional period are contained in the Transitional Delegated Act, which provides transitional rules for certain provisions of the UCC and the UCC Work Programme. These rules will ensure a smooth transition from the existing customs legislative regime to the new UCC rules on a gradual basis between 1 May 2016 and 31 December 2020 (ec.europa.eu/taxation_customs/business/union-customs-code/ucc-introduction_en).

(c) E-declaration in the Russian Federation - Since 2015, the Federal Customs Service (FCS) of the Russian Federation has been conducting a study regarding the electronic declaration of customs transit. The procedure of the study was established by the FCS Order No 62-p, dated 18.02.2015. According to this document, some customs offices in the Russian Federation could accept electronic transit declarations and corresponding documents, signed electronically. On 20 March 2017, the order of the Ministry of Finance of the Russian Federation No 144n, dated 30.08.2016, entered into force. It provided the standard procedure for the electronic declaration of customs transit, and marked both the successful completion of the study and the beginning of the e-declaration of customs transit in all customs offices in the Russian Federation.

(d) Currently, the obligation of the submission of advance cargo information electronically is already mandatory for TIR transports starting, transiting or entering the territory of the European Union, Eurasian Customs Union, Turkey and Iran (Islamic Republic of).

III. Advantages

A. Time frame

3. The article proposed may be immediately adopted by Contracting Parties. This would imply a faster computerization of the TIR procedure.

4. Annex 11 is still under discussion at GE.2. Following the discussion, it must go through the Working Party and the TIR Administrative Committee (AC.2) for adoption. The deferment of its implementation for an undetermined period could imply a continuous decrease of TIR competitiveness, notably due to the fact that computerization is currently used in other systems.

B. Optional

5. The use of electronic data processing techniques would be optional. Only those Contracting Parties wishing to implement it will need to do so. Therefore, nothing will change for those Contracting Parties not expressing such interest.

C. Use of existing IT systems

6. Almost all TIR Contracting Parties have national/regional IT systems in place which can be used immediately for the electronic exchange of TIR data. This will optimize both the resources and the timeframe for implementing TIR computerization.

D. Attractiveness of the TIR system

7. There are new countries interested in joining the TIR Convention which are already fully computerized. Such an article would make the TIR Convention more modern, accessible, and competitive and could give such countries further reason for taking the decision to join the TIR Convention.

IV. Conclusion

8. The computerization is currently in force in several different legal frameworks and is fundamental for the competitiveness of the TIR procedure. However, it may take several years until Annex 11 is duly implemented and fully in force.

9. In order to address this issue, IRU proposes to have an article included in the TIR Convention which would rapidly allow the exchange of electronic messages by those Contracting Parties interested in doing so.

10. This article would serve as an intermediate legal basis that would allow the immediate implementation of the computerization of the TIR procedure. Thus, the TIR procedure would become more modern, competitive and accessible, notably for those countries which are not yet Contracting Parties to the TIR Convention.
