



**UNITED
NATIONS**

**Economic Commission
for Europe**



eTIR legal aspects

Agenda item 8.b.i

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Working Party on Customs Questions affecting Transport

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Outline

ECE/TRANS/WP.30/2013/8

- Legal framework
 - Amending the TIR Convention
 - A protocol
 - A new convention
- Other legal considerations
 - Authentication and data integrity
 - Data protection
 - Central administration

Legal framework

	Amendment	Protocol	New conv.
Advantages			
Builds on the existing TIR system	●	●	
Allows electronic only			●
TIR Carnet can be used as a fall-back	●	●	
Interested countries can join anytime		●	●
Drawbacks/Risks			
One country can block the process	●		
Requires ratification		●	●
Requires new administrative structures			●
Requires to redefine/repeat many TIR principles			●
Requires to renegotiate/amend guarantee agreements		●	●

Authentication and data integrity

- No cross-border agreements on the use of electronic signatures
- Follow the revision of UN/CEFACT Rec. 14
- **Mutual recognition of authentication**
- **Use of hash codes**

Data protection

- Various national/regional legislations
- Codifications of data protection issues in the new legal framework
- Holder will have to agree (disclaimer) that their data will be “sent” to other administrations

Central administration

- The legal obligations and rights of the party responsible for the eTIR international system will have to be defined
- Either supra-national public body or contracted private company
- How to finance it?
- Bidding, tender or concession rules might have to be defined

Next steps

- Legal
 - Start drafting the text of a protocol that could also serve as a basis for bilateral or multilateral pilot projects
 - Continue considerations on the other legal options
- Strategic/financial
 - Agree on a financing mechanism for the eTIR international system
 - Decide if the development and maintenance of the eTIR international system should be outsourced to the private sector (e.g. concession, BOT, ..) or handled by a supra-national public body

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