

Introduction of eTIR into the legal text of the TIR Convention

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affecting Transport (WP.30)
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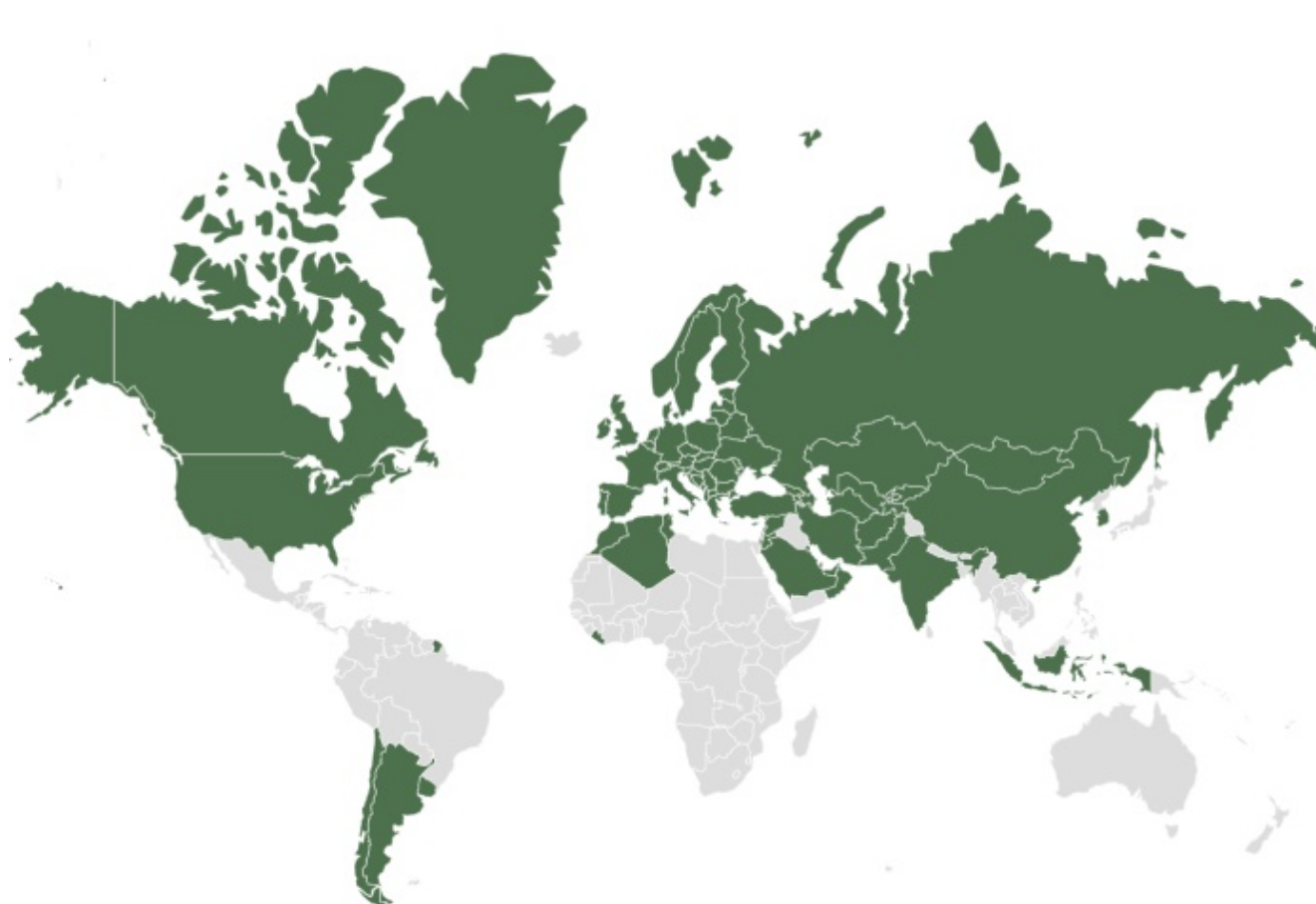


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- 1999: Decision by TIR Contracting Parties that computerization has become inevitable for the long-term sustainability of the TIR system.
- Work on computerization of the TIR procedure started in 2001.
- GE.1, Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR procedure (2003→)
- GE.2, Group of Legal Experts, 2015-2017.
- Discussed various options:
 - New Convention;
 - Protocol;
 - Annex
- Agreed on optional Annex → Annex 11



Article 1, new paragraph (s)

- ***(s) The term “eTIR procedure” shall mean the TIR procedure, implemented by means of electronic exchange of data, which provides the functional equivalent to the TIR Carnet. The eTIR procedure is carried out in accordance with the provisions of Annex 11.***

New Article 58 quarter

- ***A Technical Implementation Body shall be established. Its composition, functions and rules of procedure are set out in Annex 11.***



New Article 60 bis

Special procedure for the entry into force of Annex 11 and amendments thereto

- 1. Annex 11, considered in accordance with paragraphs 1 and 2 of Article 59 shall come into force with respect to all Contracting Parties three months after the expiry of a period of twelve months following the date of communication by the Secretary-General of the United Nations to the Contracting Parties, except for those Contracting Parties that have notified the Secretary-General in writing, within that period of their non-acceptance of Annex 11. Annex 11 shall enter into force for Contracting Parties which withdraw their notification of non-acceptance six months after the date on which withdrawal of such notification has been received by the depositary.***
- 2. Any proposed amendment to Annex 11 shall be considered by the Administrative Committee. Such amendments shall be adopted by a majority of the Contracting Parties bound by Annex 11 present and voting.***
- 3. Amendments to Annex 11 considered and adopted in accordance with paragraph 2 of this Article shall be communicated by the Secretary-General of the United Nations to all Contracting Parties for information or, for those Contracting Parties bound by Annex 11, acceptance.***
- 4. The date of entry into force of such amendments shall be determined at the time of their adoption, by a majority of the Contracting Parties bound by Annex 11 present and voting.***
- 5. Amendments shall enter into force in accordance with paragraph 4 of this Article unless by a prior date determined at the time of adoption, one-fifth or five of the States which are Contracting Parties bound by Annex 11, whichever number is less, notify the Secretary-General of their objection to the amendments.***
- 6. On entry into force, any amendment adopted in accordance with the procedures set out in paragraphs 2 to 5 of this Article shall for all Contracting Parties bound by Annex 11 replace and supersede any previous provisions to which the amendment refers.***



Article 1 : Scope of application

Article 2 : Definitions*

Article 3 : Implementation of the eTIR procedure*

Article 4 : Composition, functions and rules of procedure of the Technical Implementation Body

Article 5 : Adoption and amendment procedures for the eTIR specifications*

Article 6 : Submission of advance cargo information

Article 7 : Authentication of the holder*

Article 8 : Mutual recognition of the authentication of the holder*

Article 9 : Additional data requirements

Article 10 : Fallback procedure*

Article 11 : Hosting of the eTIR international system

Article 12 : Administration of the eTIR international system

Article 13 : Publication of the customs offices capable of handling eTIR

Article 14 : Legal requirements for data submission under Annex 10 of the TIR Convention

Explanatory Notes to Articles 3, paragraph 2; 5, paragraph 3; 6, paragraph 2 and 11, paragraph 3

Article 1

Scope of application

- ***The provisions in this Annex govern the implementation of the eTIR procedure as defined in Article 1, paragraph (s) of the Convention and shall apply in the relations between Contracting Parties bound by this Annex, as provided for in Article 60 bis, paragraph 1.***

Article 2

Definitions

- *For the purposes of this Annex:*
- *(a) The term “eTIR international system” shall mean the Information and Communication Technology (ICT) system devised to enable the exchange of electronic information between the actors involved in the eTIR procedure.*
- *(b) The term “advance TIR data” shall mean the data provided to the competent authorities in the prescribed form and manner of the intention of the holder, or his or her representative, to place goods under the eTIR procedure or pursue a TIR transport.*
- *(c) The term “declaration” shall mean the act whereby the holder, or his or her representative, indicates in the prescribed form and manner an intent to place goods under the eTIR procedure.*
- *(d) The term “accompanying document” shall mean the paper document printed in line with the guidelines contained in the eTIR technical specifications and issued for the fallback procedure as set out in Article 10 of this Annex. The accompanying document shall also be used to record incidents en route pursuant to Article 25 of this Convention.*
- *(e) The term “eTIR specifications” shall mean the conceptual, functional and technical specifications of the eTIR procedure adopted and amended in accordance with the provisions of Article 5 of this Annex.*

Article 3

Implementation of the eTIR procedure

- ***1. Contracting Parties bound by Annex 11 shall connect their customs systems to the eTIR international system in line with the conceptual, functional and technical specifications.***
- ***2. Each Contracting Party is free to establish by which date it connects its customs systems to the eTIR international system. The date of connection shall be communicated to all other Contracting Parties bound by Annex 11 at least six months prior to the effective date of connection.***

Article 4

Composition, functions and rules of procedure of the Technical Implementation Body

- ***1. The Contracting Parties bound by Annex 11 shall be members of the Technical Implementation Body. Its sessions shall be convened at regular intervals or at the request of the Administrative Committee, as required for the maintenance of the eTIR specifications. The Administrative Committee shall be regularly informed of the activities and considerations of the Technical Implementation Body.***
- ***2. Contracting Parties which have not accepted Annex 11 as provided for in Article 60 bis, paragraph 1 and representatives of international organizations may attend sessions of the Technical Implementation Body as observers.***
- ***3. The Technical Implementation Body shall monitor the technical and functional aspects of implementing the eTIR procedure, as well as coordinate and foster the exchange of information on matters falling within its competence.***
- ***4. The Technical Implementation Body shall, at its first session, adopt its rules of procedure.***

New Article 5

Adoption and amendment procedures for the eTIR specifications

The Technical Implementation Body shall:

- (a) adopt the technical specifications of the eTIR procedure, and amendments thereto, to ensure their alignment with the functional specifications of the eTIR procedure. At the time of adoption, it shall decide on the appropriate transitional period for their implementation.***
- (b) prepare the functional specifications of the eTIR procedure, and amendments thereto, to ensure their alignment with the conceptual specifications of the eTIR procedure. They shall be transmitted to the Administrative Committee for adoption by a majority of Contracting Parties bound by Annex 11 present and voting as well as implemented and, when required, developed into technical specifications at a date to be determined at the time of adoption.***
- (c) consider amendments to the conceptual specifications of the eTIR procedure if so requested by the Administrative Committee. The conceptual specifications of the eTIR procedure, and amendments thereto, shall be adopted by a majority of Contracting Parties bound by Annex 11 present and voting as well as implemented and, when required, developed into functional specification at a date to be determined at the time of adoption.***

Article 6

Submission of advance TIR data

- ***1. Advance TIR data shall be submitted in electronic form.***
- ***2. Contracting Parties bound by Annex 11 shall accept the submission of advance TIR data via the eTIR international system.***
- ***3. The competent authorities shall publish the list of other electronic means by which advance TIR data can be submitted.***

Article 7

Authentication of the holder

- ***1. The holder, or his or her representative, submitting advance TIR data directly to the competent authorities shall be authenticated in accordance with applicable national legislation.***
- ***2. Contracting Parties bound by Annex 11 shall recognize authentications performed by the eTIR international system.***
- ***3. The competent authorities shall publish a list of authentication mechanisms other than that specified in paragraph 2 of the present Article that may be used for authentication.***

Article 8

Mutual recognition of the authentication of the holder

- ***The authentication of the holder performed by the competent authorities of the Contracting Party bound by Annex 11 which accepts the declaration shall be recognized by the competent authorities of all subsequent Contracting Parties bound by Annex 11 throughout the TIR transport.***

Article 9

Additional data requirements

- ***Competent authorities should, to the extent possible, limit data requirements to those contained in the functional and technical specifications. However, if additional data requirements are imposed by legislation, the competent authorities shall endeavour to facilitate the submission of such data so as not to impede TIR transports carried out in accordance with this Annex.***

Article 10

Fallback procedure

- ***1. Where the eTIR procedure cannot be started for technical reasons at the office of departure the TIR Carnet holder may revert to the TIR procedure.***
- ***2. Where an eTIR procedure has started but its continuation is impeded for technical reasons, the competent authorities shall accept the accompanying document and process it in line with the procedure described in the functional and technical specifications, subject to the availability of additional information from alternative electronic systems as described in the functional and technical specifications.***

Article 11

Hosting of the eTIR international system

- 1. The eTIR international system shall be hosted and administered under the auspices of the United Nations Economic Commission for Europe (UNECE).***
- 2. UNECE shall assist countries in connecting their customs systems to the eTIR international system, including by means of conformance tests to ensure their proper functioning prior to the operational connection.***
- 3. The necessary resources shall be made available to UNECE to fulfil the obligations set forth in paragraphs 1 and 2 of this article. Unless the eTIR international system is financed by resources from the United Nations regular budget, the required resources shall be subject to the financial rules and regulations for extrabudgetary funds and projects of the United Nations. The financing mechanism for the operation of the eTIR international system at UNECE shall be decided on and approved by the Administrative Committee.***

Article 12

Administration of the eTIR international system

- ***1. UNECE shall make the appropriate arrangements for the storage and archiving of the data in the eTIR international system for a minimum period of 10 years.***
- ***2. All data stored in the eTIR international system may be used by UNECE on behalf of the competent bodies of this Convention for the purpose of extracting aggregated statistics.***
- ***3. The competent authorities of Contracting Parties involved in a TIR transport carried out under the eTIR procedure which becomes the subject of administrative or legal proceedings concerning the payment obligation of the person or persons directly liable or of the national guaranteeing association, may request UNECE to provide information stored in the eTIR international system pertaining to the claim in dispute for verification purposes. This information may be produced as evidence in national administrative or legal proceedings.***
- ***4. In cases other than those specified in this Article, the dissemination or disclosure of information stored in the eTIR international system to non-authorized persons or entities shall be prohibited.***

Article 13

Publication of the customs offices capable of handling eTIR

- The competent authorities shall ensure that the list of customs offices of departure, customs offices en route and customs offices of destination approved for accomplishing TIR operations under the eTIR procedure, is at all times accurate and updated in the electronic database for approved customs offices, developed and maintained by the TIR Executive Board.***

- ***Article 14***

Legal requirements for data submission under Annex 10 of the TIR Convention

- ***The legal requirements for data submission, as set out in Annex 10, paragraph 1, 3 and 4 of this Convention, are deemed to be fulfilled by implementing the eTIR procedure.***

Explanatory notes

- ***Part I – Article 3, paragraph 2***
- ***Contracting Parties bound by Annex 11 are recommended to have their national customs system updated and its connection with the eTIR international system ensured as soon as Annex 11 enters into force for them. Customs or economic unions may decide on a later date, allowing them time to connect the national customs systems of all their member States to the eTIR international system.***
- ***Part I - Article 5, paragraph 3***
- ***Contracting Parties bound by Annex 11 are recommended to recognize, in as far as possible, the submission of advance TIR data by the methods indicated in the functional and technical specifications.***
- ***Part I - Article 6, paragraph 2***
- ***Contracting Parties bound by Annex 11 are recommended to recognize, in as far as possible, the authentications performed by the methods indicated in the functional and technical documentation.***
- ***Part I - Article 11, paragraph 3***
- ***If necessary, Contracting Parties may decide to finance the operational costs of the eTIR international system through an amount per TIR transport. In such cases, Contracting Parties shall decide on the appropriate time to introduce alternative financing mechanisms and on their modalities. The required budget shall be prepared by UNECE, reviewed by the Technical Implementation Body and approved by the Administrative Committee.***

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- WP.30 finalized its considerations of the proposals, including the latest editorial comments.
- AC.2 held first considerations at its February 2019 session.
- Seventieth, extraordinary, session of AC.2 on 13 June 2019 to consider and, possibly, adopt Annex 11.
- Transmission of the text to the Secretary-General of the United Nations in his capacity of depositary.
- Contracting Parties have one year to inform the depositary of their non-acceptance.
- Contracting Parties should refrain from raising an objection.
- Fifteen months after circulation of the text by the depositary, Annex 11 enters into force.

Thank you!

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Date 21 February 2019, Geneva
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