



Economic Commission for Europe
Administrative Committee for the TIR Convention, 1975
Seventy-first session

Geneva, 16–17 October 2019

**Report of the Administrative Committee for the
 TIR Convention 1975 on its seventy-first session**
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I. Attendance

1. The Committee (AC.2) held its seventy-first session from 16 to 17 October 2019 in Geneva. The session was attended by representatives of the following countries: Austria, Azerbaijan, Belgium, Bulgaria, China, Czechia, Denmark, Finland, France, Germany, Greece, Hungary, Iran (Islamic Republic of), Italy, Kuwait, Latvia, Lithuania, Netherlands, Poland, Republic of Moldova, Romania, Russian Federation, Serbia, Slovakia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, and Uzbekistan. Representatives of the European Union were also present.

2. The following intergovernmental organization was represented: Eurasian Economic Commission (EEC), The following non-governmental organization was represented as an observer: International Road Transport Union (IRU).

3. The Committee noted that the required quorum for the purposes of taking decisions – of at least one-third of the States which are contracting parties (according to Annex 8, Article 6 of the Convention) – was attained.

4. The Executive Secretary of ECE, Mrs. Olga Algayerova delivered an opening speech. She pointed out the contradictory situation in which the TIR Convention and the TIR system find themselves today where, on the one hand, there is a growing interest from countries in the TIR system as the only truly global customs transit system whereas, on the other hand, there is the rapidly declining number of TIR Carnets used over the last few years. She also mentioned two recurring reasons for this situation, viz. the absence of computerization and the lack of flexibility in providing facilities to operators in applying the TIR system. She encouraged all delegates to be bold and forward looking to finalize, at this session, the text of Annex 11 so that contracting parties can take the necessary steps to formally adopt the text at the February 2020 session of AC.2 and send it to the depositary in New York. The representatives of Iran (Islamic Republic of), Turkey and the European Union echoed the statements by the Executive Secretary and expressed their readiness to share their experience and make eTIR a reality.

II. Adoption of the agenda (agenda item 1)

5. The Committee adopted the agenda of the session (ECE/TRANS/WP.30/AC.2/144). Ukraine and IRU requested, time permitting to discuss, under agenda item 8, the issues raised with the customs of Belarus and the Russian Federation.

III. Status of the TIR Convention, 1975 (agenda item 2)

6. The Committee took note that, since its previous session, the status of the Convention and the number of contracting parties had not changed. Thus, the TIR Convention has, to date, seventy-six contracting parties (including the European Union) and is operational in sixty-two countries. More detailed information on these issues as well as on various depositary notifications is available on the TIR website.¹

IV. Activities and administration of the TIR Executive Board (agenda item 3)

A. Activities of the TIR Executive Board

1. Report by the Chair of the TIR Executive Board

7. The Committee endorsed the reports of the TIR Executive Board (TIRExB) at its seventy-ninth (December 2018), eightieth (February 2019) and eighty-first (April 2019)

¹ www.unece.org/tir/tir-depositary_notification.html

sessions (ECE/TRANS/WP.30/AC.2/2019/11, ECE/TRANS/WP.30/AC.2/2019/12 and ECE/TRANS/WP.30/AC.2/2019/13, respectively). The representative of the Russian Federation drew attention to the report of the seventy-ninth session, pointing at the fact that the Board had not reached consensus on the distribution prices. He reminded the Committee of the concerns of the Russian Federation on the accuracy of the current practice, where the exemption from import duties and taxes (provided according to Article 7 of the Convention) was based on the IRU distribution price, which included many components, such as guarantee, insurance, Information Technology (IT) services, etc., rather than on the production price which related to the value of the TIR Carnet form (ECE/TRANS/WP.30/AC.2/133, para. 20 and Annex III). The Chair of TIRExB stated that, while one member had a different opinion, the Board had concluded that the wording of Article 7 was clear in that the TIR Carnet form, referred to in the article, referred to the TIR Carnet as sent to associations by IRU, including all components of its price, meaning not only the TIR Carnet as a piece of paper (ECE/TRANS/WP.30/2019/11, paras. 41–45).

8. The Chair of TIRExB orally briefed the Committee about the major considerations and decisions taken at the eighty-second (June 2019) and eighty-third (October 2019) sessions of the Board.

- At its eighty-second session (June 2019), TIRExB adopted the draft programme of work for its 2019–2020 term of office. The Board also considered the audit report by the United Nations Office of Internal Oversight Services (OIOS) on the TIR Trust Fund. The Board considered each recommendation and provided first considerations. The Board requested that the secretariat submit supporting documents to the forthcoming meetings of the Board and AC.2 to facilitate discussions. The secretariat informed the Board of the need to hire legal and financial consultants to assist in the drafting of the new agreement for the ECE-IRU Agreement covering the years 2020 to 2022. The Board agreed to allocating financial resources from its 2019 budget to hire consultants.
- TIRExB considered two issues raised by IRU. First, the Board took note of the planned modifications to the TIR Carnet forms and requested IRU to submit the modifications to AC.2 for further consideration. Second, the Board took note of the information submitted by IRU on new measures, introduced by Belarus as of 1 July 2019, on the use of electronic services for advance cargo information. The Board concluded that it would be appropriate to get further information on the measures to understand their possible impact on TIR operations and requested the secretariat to send a letter to the customs authorities of Belarus.
- At its eighty-third session (October 2019), the Board endorsed its budget and cost plan for the year 2020, which would be submitted to AC.2 for approval. The Board considered two documents drafted by the secretariat to fulfil Recommendation Nos. 1 and 10 of OIOS and requested the secretariat to submit the documents to AC.2 for consideration at its February 2020 session. The Board also adopted a proposal for a new Explanatory Note to Article 45 on publishing information on customs offices using the International TIR Data Bank (ITDB) and requested the secretariat to submit the amendment proposal to AC.2.
- TIRExB, as part of its programme of work, continued its consideration of the implementation of the intermodal aspects of the TIR procedure and had a first round of discussions on a study on the reasons of the decreasing number of TIR Carnets used. The Board also took note of the 2019 TIR Carnet prices and requested the secretariat to publish them on the TIR website and transmit them to AC.2 for consideration. TIRExB also requested the secretariat to launch a survey to collect the 2020 TIR Carnet prices before 31 December 2019. Finally, the Board requested the secretariat to distribute to the competent authorities the survey on customs claims for the period from 2015 to 2018, with a deadline of 15 December 2019.

9. Under this agenda item, the Committee also took note of the prices of TIR Carnets for the years 2012 to 2018, as communicated to TIRExB per the requirements of Annex 9, Part I, paragraph 3 (vi) of the TIR Convention, and the analysis of the 2018 TIR Carnet prices, as contained in document ECE/TRANS/WP.30/AC.2/2019/14.

2. Programme of work of the TIR Executive Board for 2019–2020

10. In line with established practice, the Committee approved the programme of work of TIRExB for the years 2019 and 2020 and endorsed its planned activities, contained in document ECE/TRANS/WP.30/AC.2/2019/15. In particular, the Committee took note of the additional activity for this term of office to study the reasons resulting in the decreasing number of TIR Carnets used and to make recommendations to improve the TIR system.

3. International databases and electronic tools managed by the TIR secretariat

11. The Committee was informed about developments in ITDB. The Committee welcomed the completion of the recruitment process for a new Information Systems Officer in the secretariat, Mr. J. Valdes, who will be in charge of ITDB. As a consequence, various pending operational and development tasks of ITDB could now be taken up again. Furthermore, efforts would be taken to increase the number of contracting parties using ITDB and its web services, and to ensure the validity of the data. The Committee took note that fifty contracting parties are registered in ITDB and that, as of 1 January 2019, forty contracting parties actively use the application.

4. National and regional TIR workshops and seminars

12. The Committee was informed about TIR workshops or seminars that had been conducted or were planned. Further to a request from the Government of Mongolia, the secretariat, in cooperation with IRU, had organized a capacity-building workshop in Ulaanbaatar on TIR, eTIR and AETR² (18 and 19 June 2019). The secretariat would participate in the twenty-fifth Border Management Staff Course organized by the Organization for Security and Cooperation in Europe (OSCE) (24 October 2019, Dushanbe). Furthermore, a side event during the United Nations General Assembly in New York would be organized by the secretariat in cooperation with the United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States on the eTIR international system and the benefits that its application would bring to landlocked countries (5 and 6 December 2019, New York).

B. Administration of the TIR Executive Board and the TIR secretariat

1. Status report on the accounts for the year 2018

13. The Committee recalled that, in accordance with Annex 8, Article 11, paragraph 4 of the Convention, TIRExB shall submit audited accounts to the Committee at least once a year or at the request of the Committee. The Committee was informed that the competent finance services of the United Nations had formally finalized the accounts for 2018. The Committee formally approved the status report on the accounts for 2018 as contained in document ECE/TRANS/WP.30/AC.2/2019/16.

2. Interim financial statement for the year 2019

14. The Committee took note of the provisional interim financial statement for 2019 as contained in document ECE/TRANS/WP.30/AC.2/2019/17.

3. Procedure for financing the operation of the TIR Executive Board and TIR secretariat

15. The Committee took note of the audit certificate for 2018, as contained in document ECE/TRANS/WP.30/AC.2/2019/18, issued further to a request from the Russian Federation at the sixty-ninth session (ECE/TRANS/WP.30/AC.2/141, para. 36). The representative of the Russian Federation stated that the audit certificate indicated that an amount of SwF 0.88 applied per TIR Carnet in 2018 instead of the amount of \$1.43 (SwF 1.43 according to the exchange rate on the day of the transfer) to be invoiced in line with the ECE-IRU agreement covering the years 2017 to 2019. He requested clarification about how the adjustment had

² Accord Européen sur les Transports Routiers.

been conducted, who had decided that, if it was stipulated by the ECE-IRU agreement and which administrative documents justified that adjustment. The IRU representative, while indicating being available to provide AC.2 with the documentation about how that decision was made, stated that the amount to be charged per TIR Carnet had been decided by the Board of IRU and that, thus, the issue was of a private nature and should not be discussed at AC.2. He added that applying a different amount did not have any impact on the financial standing of TIRExB and the TIR secretariat.

16. The Committee decided to continue consideration of the matter at its next session.

4. Budget proposal and cost plan for the year 2020

17. The Committee considered the budget proposal and cost plan for the operation of TIRExB and the TIR secretariat for the year 2020 (ECE/TRANS/WP.30/AC.2/2019/19). The proposed cost plan for 2020 (estimated at \$1,650,026 inclusive of programme support costs), reflects a decrease of \$37,064 over the approved budget and cost plan for TIRExB and the TIR secretariat for 2019 (\$1,687,090 inclusive of programme support costs).

18. Having recalled the procedure for the collection and transfer of the amount per TIR Carnet to finance the operation of TIRExB and the TIR secretariat (ECE/TRANS/WP.30/AC.2/89, para. 38 and Annex II), the Committee approved the budget and cost plan for the operation of TIRExB and the TIR secretariat for the year 2020 as well as the net amount of \$1,106,233 to be transferred by IRU, as contained in document ECE/TRANS/WP.30/AC.2/2019/19.

19. The Committee noted that IRU expects to distribute 800,000 TIR Carnets in 2020 (Informal document WP.30/AC.2 (2019) No. 12). Based on this forecast, the Committee approved the amount of \$1.39 (rounded) per TIR Carnet. The amount per TIR Carnet will be expressed in Swiss francs following the transfer of the above amount to the ECE named bank account according to the prevailing United States dollar – Swiss franc exchange rate on the day of transfer.

V. Revision of the Convention (agenda item 4)

A. Phase III of the TIR revision process – Computerization of the TIR procedure – Annex 11 of the Convention

20. The Committee recalled that, at its previous session, it had not had time to review all the amendment proposals in document ECE/TRANS/WP.30/AC.2/2019/9. The Committee asked the secretariat to prepare a revision based on the discussions held during the session, and requested dissemination by electronic mail to all contracting parties for their consideration and comments at their earliest convenience but no later than 1 August 2019. The Committee requested the secretariat to consolidate all comments received and submit them as a formal document at its next session with the prospect of finalizing the text of the amendments to the body of the Convention and Annex 11 (ECE/TRANS/WP.30/AC.2/143, paras. 26 and 27).

21. Further to these instructions, the secretariat prepared document ECE/TRANS/WP.30/AC.2/2019/9/Rev.2 with consolidated comments from delegations. The Committee noted that, due to divergences about certain provisions, the secretariat had not been able to issue a further revision of the amendment proposals, which would take into account, as far as possible, the comments submitted by delegations or international organizations. Therefore, document ECE/TRANS/WP.30/AC.2/2019/20 had not been issued.

22. The Committee took note of Informal document WP.30/AC.2 (2019) No. 16, reproducing proposals by the secretariat based on considerations made during the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization (GE.1) at its thirtieth session (September 2019). The proposals address the outstanding issue of the submission of advance TIR data, particularly, whether they should be submitted to the competent authorities of the country of departure or also (in case of changes) to the competent

authorities of other countries. In order to facilitate the discussions on draft Annex 11 at the forthcoming session of AC.2, the secretariat had circulated these proposals among all TIR contracting parties, together with proposals by the secretariat on editorial changes and additional amendments in other articles, aimed at ensuring consistency.

23. The Committee took note that the Working Party on Customs Questions affecting Transport (WP.30) had also considered the proposals by GE.1 and the secretariat. The Working Party had first considerations of the various proposals and generally supported the proposals by the secretariat, pending a few possible minor amendments. The Working Party requested the secretariat to transmit the outcome of its discussions to AC.2.

24. The Committee agreed that focus should be given on finalizing all pending issues, as listed in ECE/TRANS/WP.30/AC.2/2019/9/Rev.2, with the single objective to finalize the text of Annex 11 during the session. Discussions should take place only on those provisions where comments have been provided by contracting parties, whereas all other provisions should be considered as finalized.

25. In order to keep the text of Annex 9, Part I, paragraph 3, new subparagraph (xi) aligned with Annex 11 Article 10, paragraph 3, the Committee agreed with the following wording of the subparagraph:

(xi) confirm, in case of a fallback procedure described in Article 10, paragraph 2 of Annex 11, for Contracting Parties bound by Annex 11, upon request of the competent authorities, that the guarantee is valid, that a TIR transport is carried out under the eTIR procedure and provide other information relevant to the TIR transport.

26. In order to clarify the difference between the data sent to the country of first departure and subsequent amendments to the declaration data, as well as the fact that the form and manner to submit them is contained in the eTIR specifications, the Committee agreed with the following two definitions:

(b) The term "advance TIR data" shall mean the data submitted to the competent authorities of the country of departure, in accordance with the eTIR specifications, of the intention of the holder to place goods under the eTIR procedure.

(e) The term "advance amendment data" shall mean the data submitted to the competent authorities of the country in which an amendment to the declaration data is requested, in accordance with the eTIR specifications, of the intention of the holder to amend the declaration data.

27. Furthermore, the Committee requested the secretariat to reflect these new definitions in Articles 6, 7 and 8. In particular, it approved the following text for Article 6 paragraphs 1, 2 and 3:

1. Advance TIR data and advance amendment data shall be submitted by the holder, or his or her representative, to the competent authorities of the country of departure and of the country in which an amendment to the declaration data is requested. Once the declaration, or the amendment, has been accepted in line with national law, the competent authorities shall forward the declaration data, or the amendment thereto, to the eTIR international system.

2. Advance TIR data and advance amendment data mentioned in paragraph 1 may be submitted either directly to the competent authorities or via the eTIR international system.

3. Contracting Parties bound by Annex 11 shall accept the submission of advance TIR data and advance amendment data via the eTIR international system.

28. The Committee also approved the following text for Article 7, paragraphs 1 and 4:

1. While accepting the declaration in the country of departure or an amendment to the declaration data in any country along the itinerary, competent authorities shall authenticate the advance TIR data, or the advance amendment data, and the holder, in accordance with national law.

4. Contracting Parties bound by Annex 11 shall accept the declaration data received from the competent authorities of the country of departure and of the country in which an amendment to the declaration data is requested via the eTIR international system as the legal equivalent to an accepted TIR Carnet.
29. The Committee approved the following text for Article 8:
- The authentication of the holder performed by the competent authorities of the Contracting Parties bound by Annex 11 which accept the declaration, or changes to the declaration data, shall be recognized by the competent authorities of all subsequent Contracting Parties bound by Annex 11 throughout the TIR transport.
30. The Committee revised Article 2 (c) as follows, to clarify that the form and manner in which the holder, or his or her representative, shall indicate the intent to place goods under the TIR procedure is contained in the eTIR specifications and to clarify the competent authorities accept the declaration on the basis of the advance TIR data or the advance amendment data:
- (c) The term “declaration” shall mean the act whereby the holder, or his or her representative, indicates, in accordance with the eTIR specifications, the intent to place goods under the eTIR procedure. From the moment of acceptance of the declaration by the competent authorities, based on the advance TIR data or the advance amendment data, and the transfer of the declaration data to the eTIR international system it shall constitute the legal equivalent of an accepted TIR Carnet.
31. In order to clarify the meaning of the term declaration data, the Committee decided to introduce the following definition in Article 2:
- (d) The term “declaration data” shall mean the advance TIR data and the advance amendment data which have been accepted by the competent authorities.
32. In order to add clarity to the procedure to produce the accompanying document in case of fallbacks and to replace the certified report, the Committee agreed with the following wording of the subparagraph (f) to Article 2:
- (f) The term “accompanying document” shall mean the printed document electronically generated by the customs system, after the acceptance of the declaration, in line with the guidelines contained in the eTIR technical specifications. The accompanying document can be used to record incidents en route and replaces the certified report pursuant to Article 25 of this Convention and for the fallback procedure.
33. Further to the introduction of the definitions for the terms "advance TIR data" and "advance amendment data", the Committee decided to delete Explanatory Note 11.6.2.
34. In order the better reflect the content of Article 8, the Committee decided that its title would be changed into “Mutual recognition of the authentication of the holder”.
35. In order to ensure the alignment with Annex 9, Part I, paragraph 3, new subparagraph (xi), the Committee decided to reword Article 10 paragraph 3 as follows:
3. The competent authorities of Contracting Parties are also entitled to request national guaranteeing associations to confirm that the guarantee is valid, that a TIR transport is carried out under the eTIR procedure and provide other information relevant to the TIR transport.
36. For the sake of consistency, the Committee decided to reword Article 10, paragraph 4 as follows:
4. The procedure described in paragraph 3 shall be established in the agreement between the competent authorities and the national guaranteeing association, as stipulated by Annex 9, Part I, paragraph 1 (d).
37. In order to clarify that, in case of claims, when requested by competent authorities, ECE would provide the information stored in the eTIR international system pertaining to a claim, the Committee agreed with the following wording of Article 12 paragraph 3:

3. The competent authorities of Contracting Parties in whose territory a TIR transport is 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 ECE and obtain 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.

38. In conclusion, the Committee accepted the proposals amending certain provisions of the body of the TIR Convention and introducing new Annex 11, as contained in document ECE/TRANS/WP.30/AC.2/2019/9/Rev.2 as amended, pending formal adoption at its next session. In order to facilitate the decision making process at the national level, the Committee decided that the jointly formulated and accepted wording at the session should be presented as final text. The Committee requested the secretariat to attach the final text as Annex to the final report of the session and issue it as official document to facilitate formal adoption at the next session.

B. Amendment proposals to the Convention transmitted by the Working Party

39. The Committee recalled that the Working Party on Customs Questions affecting Transport (WP.30), at its 151st session (February 2019) had adopted, by consensus, a comment to Article 1 (o) on the use of subcontractors and requested the secretariat to transmit the adopted comment to the Committee for endorsement (ECE/TRANS/WP.30/302, para. 24).

40. The Committee considered document ECE/TRANS/WP.30/AC.2/2019/21. The delegation of the Russian Federation reiterated its concerns on the use of subcontractors in the TIR system (see ECE/TRANS/WP.30/302, paras. 22-24), adding that the use in the eTIR system might also require specific arrangements, particularly regarding the authentication of the holder. Various delegates reminded that the proposal dealt with the issue of how to reflect the use of subcontractors in the paper TIR Carnet and that the right platform for discussions on the technical specifications of eTIR was GE.1. The Committee endorsed the new comment to Article 1 (o) of the Convention and requested the secretariat to include it in the next version of the TIR Handbook.

41. The Committee recalled that, at its sixty-ninth session (February 2019), it considered document ECE/TRANS/WP.30/AC.2/2019/5, containing proposals to amend Article 49 of the convention with a new Explanatory Note and comment as transmitted by the Working Party.

42. The Committee revisited document ECE/TRANS/WP.30/AC.2/2019/5. Various delegations reiterated their support for the proposals, whereas the delegation of the Russian Federation maintained its opposition, arguing that transferring some customs tasks to operators, even if duly authorized and under strict conditions, would undermine the security of the TIR system. Not being able to make any progress, the Committee decided to revert to the issue at its next session.

C. Amendment proposals to the Convention transmitted by the TIR Executive Board

43. The Committee continued its considerations of document ECE/TRANS/WP.30/AC.2/2018/12, in combination with document ECE/TRANS/WP.30/AC.2/2019/22 by the Government of Uzbekistan and document ECE/TRANS/WP.30/AC.2/2019/23 by IRU. The Committee established that whereas the proposals by TIRExB covered the mandatory submission of data to ITDB, the proposals by the Government of Uzbekistan and IRU related to the information in ITDB on the temporary or permanent exclusion of TIR Carnet holders (Explanatory Note 0.38.2) and the consequences of the absence of data in ITDB (Explanatory Note 9.II.4).

44. To start with, the Committee considered the proposals by TIRExB to advance the use of ITDB by means of the mandatory submission of data in electronic format as an appropriate way forward to confirming the status of ITDB as a reliable database. The Committee, by majority, accepted the proposals, pending formal adoption at its February 2020 session. The delegation of Uzbekistan was ready to support the TIRExB proposal if due account was taken of the Uzbek and IRU proposals and requested their joint consideration at the February 2020 session. The delegation of IRU supported the position of Uzbekistan.

45. The representatives of Uzbekistan and IRU raised problems encountered by some transport operators during TIR transports, due to the absence of data on their status in ITDB. Various delegates reminded the Committee that the absence of such data related to the non-compliance with the provisions of Annex 9, Part II, paras. 4 and 5 of the TIR Convention, which require transmission of information on the authorization to TIRExB within one week from the date of authorization. The secretariat informed the Committee that there were contracting parties which never had sent in a Model Authorization Form (MAF) or had entered data into ITDB, whereas they were active users of the TIR system. The Committee requested the secretariat to continue its efforts to update ITDB, particularly addressing those contracting parties which do not regularly use ITDB.

46. The Committee decided to revert to the issue at its next session.

D. Accepted amendment proposals to the Convention pending formal adoption

47. The Committee recalled that, so far, it accepted proposals to amend Article 6, paragraph 1, Explanatory Note 0.6.2 and Annex 9, Part I, paragraph 1, adjusting the existing wording to include the term “customs authorities or other competent authorities”, as well as proposals to amend Article 18 and to add a new Explanatory Note 0.18.3. The Committee considered document ECE/TRANS/WP.30/AC.2/2019/6/Rev.1 for formal adoption by the Committee. The Committee took note that the secretariat had tentatively amended the document, which now includes, in Annex II, proposals to amend Article 20 and Explanatory Note 0.8.3 and, in Annex III, proposals to amend the comments to Explanatory Note 0.8.3 and the comment “Several customs offices of departure and/or destination” to Article 18. In view of the fact that the proposed amendments in Annexes II and III had never been discussed, the Committee agreed that it could only formally adopt those contained in Annex I, although it recognized that the amendments in Annexes II and III were of a pure technical nature. The Committee requested the secretariat to issue the proposals in Annexes II and III as a new document for consideration and, possibly, adoption at its next session.

48. Against the background of the adopted proposal to increase the number of loading and unloading places in Article 18 from four to eight, the secretariat reminded the Committee of the fact that corresponding changes in the TIR Carnet to accommodate this change had not been discussed at the level of the Working Party since February 2012 (Informal document WP.30 (2012) No. 1). For this reason, the Committee decided to wait with instructing the secretariat to send the package of formally adopted proposals to New York.

E. Recommendation to Annex 3 on a code system to report defect remarks in the certificate of approval

49. This issue was not considered due to a lack of time.

VI. Authorization for printing and distributing TIR Carnets and the organizing and functioning of the guarantee system (agenda item 5)

50. The Committee recalled that, at its sixty-ninth session (February 2019), it authorized IRU to organize the functioning of an international guarantee system and to centrally print and distribute TIR Carnets for the period 2020–2022 inclusive, in accordance with the

provisions of Article 6.2. bis, Annex 8, Article 10 (b) and Explanatory Notes 0.6.2. bis-2 and 8.10 (b).

VII. Authorization for concluding an agreement between the United Nations Economic Commission for Europe and the International Road Transport Union (agenda item 6)

51. The Committee recalled that, at its sixty-ninth session (February 2019), it had agreed to provide the secretariat with a preliminary mandate to conclude the new agreement with a view to continue financing the operation of TIRExB and the TIR secretariat as of the year 2020, subject to official confirmation at its October 2019 session (see ECE/TRANS/WP.30/AC.2/141, paragraph 38). The secretariat informed the Committee about the reasons why document ECE/TRANS/WP.30/AC.2/2019/24, containing the new agreement between ECE and IRU was made available only one week before the session and why it was crucial that the Committee consider and adopt it.

52. The secretariat had already worked with IRU in order to have the agreement ready for consideration by AC.2 in February 2019 (Informal document WP.30/AC.2 (2019) No. 7). However, the ECE Executive Office (EO) had requested the secretariat to hire two consultants, one legal and one financial, who would consider all new requirements which had materialized as a consequence of the report of OIOS that had been issued in March 2019, since these went beyond the capacity and expertise of EO. If not, EO would not be in a position to sign the agreement. The main reasons were:

- The amendments to the TIR Convention which had entered into force on 1 July 2018 and which had to be incorporated in the agreement (OIOS recommendation 4);
- Possible options of a mechanism to monitor and evaluate the documentation submitted by the authorized international organization (OIOS recommendation 1);
- Evaluation of qualified organizations before selection of the authorized international organization for TIR operations (OIOS recommendation 3(a));
- Periodic assessment of the compliance of the authorized international organization with the stipulated conditions and requirements (OIOS recommendation 3(b));
- Obligation to devise a mechanism to settle the excess advance received from the external partner (OIOS recommendation 8).

53. TIRExB, at its June 2019 session, took note of the need for expertise in contractual and financial matters to revise the agreement and cover the latest developments in the TIR system and the OIOS recommendations and agreed to allocating financial resources from its 2019 budget to hire the required consultants. The consultants were hired in July 2019 and together with their input, review by IRU and negotiations with IRU, the agreement was finalized in the first week of October 2019. The secretariat spent one additional week to translate the document into French and Russian, hence the document could only be uploaded on the ECE website in the second week of October 2019. EO had expressed its satisfaction with the results of the negotiations and the new agreement and stated being ready to sign it after adoption by the Committee.

54. The secretariat explained the many advantages of the new agreement, which fully justified the time spent on the negotiations. Specifically:

- (a) The new agreement is more precise than previous agreements, a direct result of the months of meetings/negotiations that have taken place;
- (b) By entering into the new agreement, IRU confirms that there are no amounts due by ECE to IRU relating to the financing of the operation of TIRExB and the TIR secretariat arising from the implementation of previous agreements signed between ECE and IRU;
- (c) The new agreement incorporates changes with regard to the external audit required by the amendments to the TIR Convention which entered into force on 1 July 2018.

Inter alia, ECE will now be consulted on the choice of the external auditor to be used for the preparation of both audits to be carried out under the new agreement. The external auditor is now defined in the new agreement as “an internationally recognized and highly qualified external auditor”.

55. The main amendments to the new agreement are as follows:

(a) Paragraph IV in the preamble of the agreement is divided into two paragraphs to emphasize that the amount per TIR Carnet shall be approved by the TIR Administrative Committee;

(b) A new “no set-off clause” in paragraph 3. It provides legal security to ECE that, regardless of any cross claim that IRU might have against ECE, IRU will pay in full the amounts due under this agreement;

(c) A new paragraph 4 to confirm the settlement of existing excess advances received from IRU;

(d) A new paragraph 6 to ensure that the provisions of the TIR Convention will prevail over the provisions of the agreement;

(e) A new « severability clause» in paragraph 7, to ensure that the invalidity of a provision of the agreement will not result in an automatic termination of the same;

(f) Paragraph 9.2 has been amended to ensure that, upon termination of the agreement, IRU will transfer any additional funds deemed necessary by ECE to fully cover all expenditures as well as to cover the obligations incurred prior to the termination of the agreement;

(g) A new paragraph 10 to facilitate cooperation among the parties;

(h) In paragraph 11, a clause on sexual exploitation and sexual abuse has been introduced, in line with the Secretary General’s Bulletin ST/SGB/2003/13;

(i) Paragraph 12.1, which refers to the settlement of disputes between the parties has been updated to accommodate the wording of the arbitration clause currently used by the United Nations secretariat;

(j) Paragraph 13 has been amended to clarify the scope of the obligation or liability towards IRU;

(k) Annex II of the previous agreement has been deleted. The cost plan for the TIR Trust Fund should not be negotiated with the international organization;

(l) Annex III of the previous agreement has been deleted. The administration of the TIR Trust Fund should not be negotiated with the international organization;

(m) Paragraph 12 of Annex II (Annex IV in the previous version) has been re-drafted to ensure the financing of the TIR Executive Board and the TIR secretariat on a yearly basis and to avoid excess advances from IRU.

56. In general, the Committee expressed its satisfaction with regard to the improvement brought to the new draft ECE/IRU agreement for the period 2020–2022 inclusive, as contained in document ECE/TRANS/WP.30/AC.2/2019/24. The representatives of the European Union and Turkey indicated the difficulty in studying the agreement in detail due to late submission. The delegation of the European Union also pointed at the absence of a reference in the agenda or in the document for the necessity to adopt the agreement, which, in the end, had caused difficulties in its internal coordination. The Committee took note of Article 9 of the draft agreement which stipulated “The parties shall amend or renew the agreement in accordance with the relevant decisions of the TIR Administrative Committee at any of its meetings, but in any case not later than at its first meeting in the year 2022” (see ECE/TRANS/WP.30/AC.2/2019/24, page 4).

57. The Committee adopted the new draft ECE/IRU agreement for the period 2020–2022 inclusive, as contained in document ECE/TRANS/WP.30/AC.2/2019/24 and mandated ECE and IRU to proceed with signing the new agreement at the earliest convenience, but, in any case, well before 15 November 2019. Further, the Committee, noting that some contracting

parties needed time for further consideration also decided keeping the item in the agenda for its February 2020 session, taking into account Article 9 of the draft agreement.

58. Finally, the Committee expressed concerns with regard to the organization of the meeting and the prioritization of the issues discussed. It stressed that key issues such as the approval of the agreement should have been given sufficient time and not be dealt with at the last moment and outside of the announced meeting schedule. Furthermore, the Committee recalled that all ECE working languages should be treated equally, including when projecting draft text on screens as well as in official and email communications.

VIII. Best practices (agenda item 7)

59. This issue was not considered due to a lack of time.

IX. Other business (agenda item 8)

A. The International Road Transport Union external audit report and related matters

60. The Committee decided to keep the item in the agenda, while recalling its decision to consider the audit report as part of the list of documentation to be drafted in relation to Recommendation No.1 of OIOS.

B. Audit of the accounts of the TIR Executive Board and the TIR secretariat

61. The Committee noted that the audit requested by AC.2 from the competent United Nations services on the accounts of TIRExB and the TIR secretariat at its sixty-fourth session in October 2016 (ECE/TRANS/WP.30/AC.2/131, para. 22) was undertaken by OIOS and completed in March 2019, and that the audit report was presented in ECE/TRANS/WP.30/AC.2/2019/25. The TIR Secretary briefly introduced the findings of the report and, underlining that he was responsible for the fulfilment of the recommendations within specific deadlines, asked for input and support from the Committee for this demanding and challenging responsibility.

62. The Committee considered each recommendation and presented its initial remarks and mandate to the secretariat as follows:

Recommendation 1:

ECE should propose to the Administrative Committee the possible options of mechanisms to monitor and evaluate the documentation submitted by the authorized international organization in order to strengthen governance in the TIR Convention, particularly with regard to accountability.

63. The secretariat had presented the OIOS report at the last session of TIRExB (June 2019). The Board concluded that the monitoring and examination of the documentation submitted by the international organization was an important matter and a more effective mechanism needed to be established reflecting on questions of what needed to be provided, and when and how. The Board highlighted the importance of revisiting the list of documents provided by the international organization and checking whether the list was satisfactory, or a revision would be necessary. The Board requested the secretariat to provide a document that would include the list of documents for review and a possible mechanism of monitoring and examining of the documentation. The Board was also of the view that the examination could be better fulfilled by an expert. The Board, while acknowledging that the issue needed to be considered and decided by AC.2, decided providing input to assist it.

64. The secretariat while presenting the OIOS report to TIRExB suggested drafting a document to the Board for its next session, taking into account the existing list of

documentation and the procedure set out in document ECE/TRANS/WP.30/AC.2/2015/12. The document would elaborate on the documentation to be submitted, and when and how it would be examined. The Board decided that the informal document to be drafted by the secretariat would be submitted both to TIRExB and AC.2 at their October 2019 sessions. The Committee considered Informal document WP.30/AC.2 (2019) No. 14.

65. The representative of the European Union requested the inclusion of the external audit report of IRU, which is under consideration at agenda item 8(a)), which TIRExB did not have the expertise to evaluate, in the list of documentation to be submitted to the February 2020 session so that its evaluation could also be considered.

Recommendation 2:

ECE should prepare updated terms of reference for TIR focal points for consideration and approval by the Administrative Committee in order to ensure consistency and enhance the focal points' effectiveness.

66. The Committee noted the need to prepare updated terms of reference for TIR focal points, taking into account the tasks undertaken by them since the adoption of Resolution No. 49 in 1995, which constituted the basis for the establishment of focal points. The Committee was informed that the secretariat had already drafted a document which includes updated terms of reference for TIR focal points which will be submitted as formal document at the next session of the Committee, for its consideration and approval. The Committee supported the suggested course of action by the secretariat, namely the submission of draft terms of reference for its next session.

67. The Committee requested the secretariat to cover the association focal points in addition to the customs focal points while drafting the terms of reference.

Recommendation 3:

ECE should bring to the attention of the Administrative Committee the need to develop appropriate procedures concerning: (a) evaluation of qualified organizations before selection of the authorized international organization for TIR operations; and (b) periodic assessment of the authorized international organization's compliance with the stipulated conditions and requirements.

68. TIRExB, while considering the audit report at its June 2019 session, concluded that the recommendation was important for the TIR system and acknowledged the need for putting in place appropriate mechanisms. Considering a possible need for an amendment to the Convention, TIRExB requested the secretariat to start considerations of possible mechanisms while waiting for instructions from AC.2. Further to a mandate also by the Board, the secretariat included the consideration of possible mechanism in the work plan of the consultants hired to draft the agreement. The consultants will provide their suggestions on the topic in their report.

69. The Committee took note of the need to develop appropriate procedures concerning the selection of the international organization and the periodic assessment of the compliance of the international organization with the stipulated conditions and requirements. The secretariat mentioned that since the regulation on this topic might require an amendment to the convention, the deadline for the implementation was set at October 2021. The Committee was of the view that the recommendation was important for the TIR system and that an appropriate mechanism needed to be put in place concerning the evaluation of qualified organizations and the periodic assessment of the authorized international organization.

70. The Committee requested the secretariat to prepare a document for its next session that will describe the appropriate procedures concerning the evaluation of qualified organizations before selection of the authorized international organization for TIR operations as well as a periodic assessment of the compliance of the authorized international organization with the stipulated conditions and requirements.

Recommendation 4:

ECE should amend its agreement with the external partner to include the additional requirements introduced by the Convention in July 2018.

71. The Committee noted the recommendation related to the amendments to the TIR Convention on Annex 9, Part III, Article 2 paragraphs o, p and q that had entered into force on 1 July 2018.

72. The secretariat informed the Committee that it already had implemented this recommendation with the draft revised agreement with the international organization.

Recommendation 5:

ECE should revise its internal directive on the management of extrabudgetary resources to ensure that essential review and approval of projects relating to Conventions is performed by the respective governing bodies, such as the Administrative Committee in the case of the TIR Convention.

and

Recommendation 6:

ECE should seek the advice of the Ethics Office on the apparent conflict of interest arising from its arrangement with the external partner on the eTIR project, including the receipt of funds from the external partner to whom ECE has become accountable under the contribution agreement despite having the responsibility to assist the Executive Board in overseeing the external partner's operations and assessing its compliance with the TIR Convention.

73. The Committee took note of Recommendations 5 and 6 which were interconnected. With regard to Recommendation 5, the secretariat mentioned that the project under the Memorandum of Understanding (MoU) with IRU had been approved by the Executive Committee of ECE (EXCOM) in 2017 according to the internal directive which required that all extra budgetary projects be approved by EXCOM. The secretariat pointed out that OIOS recommended that the review and approval of the projects be performed by convention bodies either with a complementary EXCOM approval or not.

74. The internal directive on the management of extrabudgetary resources is being reviewed by ECE and most probably will be submitted to EXCOM for approval at its December 2019 session.

75. The Committee took note of the need of ECE to seek the advice of the Ethics Office on the apparent conflict of interest arising from its arrangement with the external partner on the eTIR project, however reiterated its strong support on the continuation of the project, knowing that the future of the TIR Convention is strictly connected with the efficient implementation of the eTIR project. It added that, irrespective of the recommendations, the vital importance of the MoU for the future of the eTIR project and, thus, for the TIR system, needed to be acknowledged.

Recommendation 7:

ECE should bring to the attention of the Administrative Committee the need to: (a) study the reasons for the decline in sale of Carnets over the years and develop an action plan to address the underlying causes; and (b) develop an appropriate alternative financing arrangement to ensure the sustainability of TIR operations.

76. The Committee noted that Recommendation 7 (a) overlapped with an activity in the programme of work of TIRExB for the years 2019–2020 and that a study on the reasons for the decline in sale of TIR Carnets over the years and the development of a relevant action plan were already prepared by the secretariat and considered by the TIRExB at its October 2019 session. The secretariat stated that the study as amended with comments provided by TIRExB will be submitted as formal document for consideration at the February 2020 session of the Committee.

77. IRU requested the secretariat to bring the results of the study to WP.30, where the transport industry is also represented. The Committee agreed that the study be first submitted to WP.30.

78. The secretariat stated that Recommendation 7 (b) was related to the sustainability of the TIR Trust Fund due to the declining number of TIR Carnets and the deficits accumulated in the last couple of years. It was recalled that AC.2 had also concerns about possible consequences of the deficits (ECE/TRANS/WP.30/AC.2/137, para. 27). The secretariat reminded the Committee that, pursuant to Annex 8, Article 13, para. 1 of the TIR Convention, there had been efforts in the past by ECE to finance the operation of TIRExB and the TIR secretariat from the United Nations regular budget, but they had not yielded positive results.

79. The Committee took note that the secretariat also included this item in the work plan of the consultants hired for drafting the agreement and their suggestions will be available with their report.

80. The Committee noted that the secretariat will prepare a formal document for consideration at its February 2020 session on developing an appropriate alternative financing arrangement to ensure the sustainability of TIR operations.

Recommendation 8:

ECE should, in consultation with the Administrative Committee, devise a mechanism to settle the excess advance received from the external partner.

81. The secretariat informed the Committee that already had implemented this recommendation while preparing the new agreement with the international organization.

Recommendation 9:

ECE should take appropriate measures to refine the budgets and cost plans for the TIR Executive Board and the TIR secretariat by considering the potential impact of known factors such as staff vacancy rates.

82. The secretariat informed the Committee that it already had implemented this recommendation while preparing the 2020 budget, resulting in a budget decrease of \$ 37,064.

Recommendation 10:

ECE should develop an action plan for providing the required training and support to countries that have acceded to the TIR Convention on operationalizing the TIR procedures in those countries.

83. The secretariat informed the Committee that an action plan that includes actions not only to provide the required training and support to countries that have acceded to the TIR Convention but also to promote TIR, eTIR as well as the intermodal aspects of TIR in the form of brochures, training materials, road maps and capacity building workshops has been prepared by the secretariat and submitted to TIRExB for its consideration. The amended version based on comments received by the board will be circulated as formal document at the February 2020 session of the Committee for its consideration.

C. Memorandum of Understanding between the United Nations Economic Commission for Europe and the International Road Transport Union and its Contribution Agreement

84. The Committee took note of the Memorandum of Understanding on cooperation in computerizing the TIR procedure, signed by ECE and IRU on 6 October 2017 and its Contribution Agreement, contained in document ECE/TRANS/WP.30/AC.2/2019/26.

D. Changes in the TIR Carnet forms

85. The Committee considered changes in the TIR Carnet forms, as submitted by IRU (Informal document WP.30/AC.2 (2019) No. 15). IRU informed the Committee that modifications were related to changing the ink colour of the page numbers inside the TIR

Carnet from red to black and removing the tape from the lower part of the TIR Carnet. The Committee agreed with the modifications in the document.

E. Date of next session

86. The Committee decided that its seventy-second session would take place on 6 February 2020.

F. Restriction on the distribution of documents

87. The Committee decided that there would be no restriction in the distribution of documents issued in connection with its current session.

G. List of decisions

88. Following a decision by the Committee, a list of decisions was attached to the final report.

X. Adoption of the report (agenda item 9)

89. In accordance with Annex 8, Article 7 of the convention, the Committee adopted the report of its seventy-first session on the basis of a draft prepared by the secretariat. During the adoption of the report, the French and Russian speaking delegations deplored that part of the report was not available in all three official languages and underscored the importance of ensuring that the report be made available in all three working languages well in advance of its next session.

Annex I

Consolidated draft eTIR legal framework

A. Amendments to the TIR Convention

1. Article 1, new paragraph (s)

(s) The term “eTIR procedure” shall mean the TIR procedure, implemented by means of electronic exchange of data, providing the functional equivalent to the TIR Carnet. Whereas the provisions of the TIR Convention apply, the specifics of the eTIR procedure are defined in Annex 11.

1bis. Article 3 (b)

(b) the transport operations must be guaranteed by associations authorized in accordance with the provisions of Article 6. They must be performed under cover of a TIR Carnet, which shall conform to the model reproduced in Annex 1 to this Convention or be carried out by the eTIR procedure.

2. Article 43

The Explanatory Notes set out in Annex 6, Annex 7, Part III, and Annex 11, Part II interpret certain provisions of this Convention and its Annexes. They also describe certain recommended practices.

3. New Article 58 quarter

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

4. Article 59

1. This Convention, including its Annexes, may be amended upon the proposal of a Contracting Party by the procedure specified in this Article.

2. Except as provided for under Articles 60 bis, any proposed amendment to this Convention shall be considered by the Administrative Committee composed of all the Contracting Parties in accordance with the rules of procedure set out in Annex 8. Any such amendment considered or prepared during the meeting of the Administrative Committee and adopted by it by a two-thirds majority of the members present and voting shall be communicated by the Secretary-General of the United Nations to the Contracting Parties for their acceptance.

3. Except as provided for under Articles 60 and 60 bis, any proposed amendment communicated in accordance with the preceding paragraph 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 of the proposed amendment during which period no objection to the proposed amendment has been communicated to the Secretary-General of the United Nations by a State which is a Contracting Party.

4. If an objection to the proposed amendment has been communicated in accordance with paragraph 3 of this Article, the amendment shall be deemed not to have been accepted and shall have no effect whatsoever.

5. 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 the aforementioned period of three months 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.

6. Article 61

The Secretary-General of the United Nations shall inform all Contracting Parties and all States referred to in Article 52, paragraph 1 of this Convention of any request, communication, or objection under Articles 59, 60 and 60 bis above and of the date on which any amendment enters into force.

7. Annex 9, Part I, paragraph 3, new subparagraph (xi)

(xi) confirm, in case of a fallback procedure described in Article 10, paragraph 2 of Annex 11, for Contracting Parties bound by Annex 11, upon request of the competent authorities, that the guarantee is valid, that a TIR transport is carried out under the eTIR procedure and provide other information relevant to the TIR transport.

B. Annex 11 – The eTIR procedure

1. Part I

Article 1

Scope of application

1. 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.

2. The eTIR procedure cannot be used for transports taking place in part in the territory of a Contracting Party, that is not bound by Annex 11 and that is a member State of a customs or economic union with a single customs territory.

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 “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.

(c) The term "advance TIR data" shall mean the data submitted to the competent authorities of the country of departure, in accordance with the eTIR specifications, of the intention of the holder to place goods under the eTIR procedure.

(d) The term "advance amendment data" shall mean the data submitted to the competent authorities of the country in which an amendment to the declaration data is requested, in accordance with the eTIR specifications, of the intention of the holder to amend the declaration data.

(e) The term “declaration data” shall mean the advance TIR data and the advance amendment data which have been accepted by the competent authorities.

(f) The term “declaration” shall mean the act whereby the holder, or his or her representative, indicates, in accordance with the eTIR specifications, the intent to place goods under the eTIR procedure. From the moment of acceptance of the declaration by the competent authorities, based on the advance TIR data or the advance amendment data, and the transfer of the declaration data to the eTIR international system it shall constitute the legal equivalent of an accepted TIR Carnet.

(g) The term “accompanying document” shall mean the printed document electronically generated by the customs system, after the acceptance of the declaration, in line with the guidelines contained in the eTIR technical specifications. The accompanying document can be used to record incidents en route and replaces the certified report pursuant to Article 25 of this Convention and for the fallback procedure.

(h) The term “authentication” shall mean an electronic process that enables the electronic identification of a natural or legal person, or the origin and integrity of data in electronic form to be confirmed.

Explanatory Notes to Article 2 (h)

11.2 (h)-1 Until a harmonized approach has been established and described in the eTIR specifications, Contracting Parties bound by Annex 11 may authenticate the holder with any process provided for in their national law, including, but not limited to, user name/password or electronic signatures.

11.2. (h)-2 The integrity of the data exchanged between the eTIR international system and the competent authorities as well as the authentication of the Information and Communication Technology (ICT) systems will be ensured by means of secure connections, as defined in the eTIR technical specifications.

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 eTIR 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.

Explanatory Note to Article 3, paragraph 2

- 11.3.2 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.

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 and submit them to the Administrative Committee for endorsement by the Contracting Parties bound by Annex 11.

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 and advance amendment data

1. Advance TIR data and advance amendment data shall be submitted by the holder, or his or her representative, to the competent authorities of the country of departure and of the country in which an amendment to the declaration data is requested. Once the declaration, or the amendment, has been accepted in line with national law, the competent authorities shall forward the declaration data, or the amendment thereto, to the eTIR international system.

2. Advance TIR data and advance amendment data mentioned in paragraph 1 may be submitted either directly to the competent authorities or via the eTIR international system.

3. Contracting Parties bound by Annex 11 shall accept the submission of advance TIR data and advance amendment data via the eTIR international system.

Explanatory Note to Article 6, paragraph 3

11.6.3 Contracting Parties bound by Annex 11 are recommended to recognize, in as far as possible, the submission of advance TIR data and advance amendment data by the methods indicated in the functional and technical specifications.

4. The competent authorities shall publish the list of all electronic means by which advance TIR data and advance amendment data can be submitted.

Article 7

Authentication of the holder

1. While accepting the declaration in the country of departure or an amendment to the declaration data in any country along the itinerary, competent authorities shall authenticate the advance TIR data, or the advance amendment data, and the holder, in accordance with national law.

2. Contracting Parties bound by Annex 11 shall accept the authentication of the holder performed by the eTIR international system.

Explanatory Note to Article 7, paragraph 2

11.7.2 The eTIR international system ensures, by means described in the eTIR specifications, the integrity of the advance TIR data, or the advance amendment data, and that the data were sent by the holder.

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.

4. Contracting Parties bound by Annex 11 shall accept the declaration data received from the competent authorities of the country of departure and of the country in which an amendment to the declaration data is requested via the eTIR international system as the legal equivalent to an accepted TIR Carnet.

Explanatory Note to Article 7, paragraph 4

11.7.4 The eTIR international system ensures, by means described in the eTIR specifications, the integrity of the declaration data and that the data were sent by the competent authorities of the countries involved in the transport.

Article 8

Mutual recognition of the authentication of the holder

The authentication of the holder performed by the competent authorities of the Contracting Parties bound by Annex 11 which accept the declaration, or changes to the declaration data, shall be recognized by the competent authorities of all subsequent Contracting Parties bound by Annex 11 throughout the TIR transport.

Explanatory Note to Article 8

- 11.8 The eTIR international system ensures, by means described in the eTIR specifications, the integrity of the declaration data, including the reference to the holder, authenticated by the competent authorities that accept the declaration, received from and transmitted to competent authorities.

Article 9**Additional data requirements**

1. **In addition to the data specified in the functional and technical specifications, competent authorities may request additional data stipulated by national legislation.**
2. **Competent authorities should, to the extent possible, limit data requirements to those contained in the functional and technical specifications and endeavour to facilitate the submission of additional 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 customs 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 eTIR specifications, subject to the availability of additional information from alternative electronic systems as described in the functional and technical specifications.**
3. **The competent authorities of Contracting Parties are also entitled to request national guaranteeing associations to confirm that the guarantee is valid, that a TIR transport is carried out under the eTIR procedure and provide other information relevant to the TIR transport.**
4. **The procedure described in paragraph 3 shall be established in the agreement between the competent authorities and the national guaranteeing association, as stipulated by Annex 9, Part I, paragraph 1 (d).**

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 (ECE).**
2. **ECE 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 ECE 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 ECE shall be decided on and approved by the Administrative Committee.**

Explanatory Note to Article 11, paragraph 3

- 11.11.3 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 ECE, reviewed by the Technical Implementation Body and approved by the Administrative Committee.

Article 12

Administration of the eTIR international system

- 1. ECE 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 ECE on behalf of the competent bodies of this Convention for the purpose of extracting aggregated statistics.**
- 3. The competent authorities of Contracting Parties in whose territory a TIR transport is 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 ECE and obtain 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.

Annex II

List of decisions taken at the 71st session of the Administrative Committee

<i>Reference in final report (para.)</i>	<i>Short description of decision</i>	<i>Actor</i>	<i>Deadline</i>
7	Committee endorsed reports of TIRExB at its 79th, 80th and 81st sessions	Committee	
10	Committee approves programme of work TIRExB for its 2019-2020 term of office	Committee	
13	Committee approves status report accounts for 2018	Committee	
16	Committee decides to revert to IRU adjustment of amount per TIR Carnet	Secretariat IRU	15 Nov. 2019 (agenda) At session
18	Committee approves budget and costplan TIRExB for 2020	Committee	
19	Committee approves net amount per TIR Carnet	Committee	
38	Committee decided on final text Annex 11 pending formal adoption at its next session. Attach text to final report Issue amendment proposals as official document	Committee Secretariat Secretariat	 29 Nov. 2019
40	Committee endorsed comment to Article 1 (o) and requested inclusion in TIR Handbook	Secretariat	p.m. update TIR Handbook
42	Decision to revert to Article 49 discussion in February 2020	Secretariat	agenda
44	Decision to accept TIRExB proposals for ITDB pending formal adoption at February 2020 session	Secretariat	agenda / Committee
46	Decision to revert to ITDB issues at next session	Secretariat	agenda
47	Formal adoption of proposals in ECE/TRANS/WP.30/AC.2/2019/6/Rev. 1, Annex I		
47	Request secretariat to submit proposals in ECE/TRANS/WP.30/AC.2/2019/6/Rev.1, Annex II and III for acceptance	Secretariat	29 Nov. 2019
48	Decision to request WP.30 to look at TIR Carnet layout	Secretariat / IRU	29 Nov. 2019
57	Decision to adopt new ECE/IRU agreement, mandate ECE and IRU to sign and to keep the item on the agenda	Secretariat / IRU Secretariat	Before 15 Nov. 2019 agenda
60	Decision to keep IRU external audit report on the agenda	Secretariat	13 Nov. 2019
64	Request document on possible options of mechanisms to monitor and evaluate the documentation submitted by the authorized international organization, include IRU external audit report in the document	Secretariat	29 Nov. 2019
66	Request document on updated terms of reference for TIR focal points	Secretariat	29 Nov. 2019

<i>Reference in final report (para.)</i>	<i>Short description of decision</i>	<i>Actor</i>	<i>Deadline</i>
67	Decision to include association focal points into Terms of Reference focal points	Secretariat	29 Nov. 2019
70	Request document on appropriate evaluation procedures of international organization.	Secretariat	29 Nov. 2019
77	Request document on study the reasons for the decline in sale of TIR Carnets over the years and develop an action plan to address the underlying causes for next WP.30 session	Secretariat	29 Nov. 2019
80	Request document on developing an appropriate alternative financing arrangement to ensure the sustainability of TIR operations	Secretariat	29 Nov. 2019
83	Request document on developing an action plan for providing the required training and support to countries that have acceded to the TIR Convention	Secretariat	29 Nov 2019
85	Decision to accept changes to the TIR Carnet	IRU	
86	Organization of 72nd session	Secretariat	13 Nov. 2019 – agenda 29 Nov. 2019 – documents
