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Administrative Committee for the TIR Convention, 1975

Seventieth session

Geneva, 13 June 2019

Item 3 (a) of the provisional agenda

Revision of the Convention:

Phase III of the TIR revision process –

Computerization of the TIR procedure –

Annex 11 of the Convention

Report of the Second Friends of the Chair meeting

Note by the Secretariat

I. Attendance

1. The Administrative Committee for the TIR Convention, 1975 (AC.2) held a second Friends of the Chair meeting on Phase III of the TIR revision process – Computerization of the TIR procedure on 15–16 May 2019 in Geneva.

2. The session was attended by experts from the following countries: Azerbaijan (TIR Executive Board (TIRExB) member), Netherlands (Chair of the Informal Ad hoc Expert Group on Conceptual and Technical Aspects of Computerization of the TIR Procedure (GE.1) only for the morning session of the first day) Sweden (Chair of the Working Party on Customs Questions affecting Transport (WP.30)), Russian Federation (Federal Customs Service (FCS), Ministry of Foreign Affairs) and Turkey (Chair of TIRExB). Expert from the European Commission (member of TIRExB) also attended the meeting.

II. Mandate

Documentation: ECE/TRANS/WP.30/AC.2/141, ECE/TRANS/WP.30/2019/3-ECE/TRANS/WP.30/AC.2/2019/7, ECE/TRANS/WP.30/AC.2/2019/8, ECE/TRANS/WP.30/AC.2/2019/9

3. During the sixty-ninth session (Geneva, 7 February 2019) of the Administrative Committee for the TIR Convention, 1975, the Committee agreed that, before organizing the extraordinary session of AC.2 in June 2019, the experts from the Russian Federation and the secretariat should hold (Friends of the Chair) consultations to mainly provide clarifications and explanations on the concerns of the Russian Federation.

4. Following a request from the Federal Customs Service of the Russian Federation, the first Friends of the Chair meeting was held on 16–17 April 2019 in Moscow. Considering the positive outcome of the first meeting and taking into account that not all amendment proposals submitted by FCS were discussed during the first meeting, it was agreed that a second meeting of the “Friends of the Chair” should take place before the June 2019 session

of AC.2, with the aim to finalizing discussions and agreeing on a compromise text for all amendment proposals from FCS.

5. The meeting was chaired by the Chair of TIR Executive Board Mrs. Didem Dirlik Songür (Turkey).

III. Conclusions and Recommendations

6. Amendment proposal No. 4. The experts agreed on the following compromise text because it clarifies that, in a customs or economic union with a single customs territory, a transport carried out by the eTIR procedure cannot begin, end or go through the territory of a country not bound by Annex 11.

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

7. Amendment proposal No. 7. The experts agreed on the following compromise text because new paragraph (f) aims at providing a clear definition for the term “authentication” (definition comes from European Union Regulation 910/2014). The two Explanatory Notes to Article 2 (f) clarify that the authentication performed nationally will be performed in line with national law, and that all connections between the eTIR international system and the competent authorities will be secured, inter alia, by the authentication of the communication servers.

“(f) 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 Note 11.2.f.1 to Annex 11, Article 2, (f)

Contracting parties bound by Annex 11 may authenticate the holder with any process provided for in their national law, including but not limited to electronic signatures.

Explanatory Note 11.2.f.2 to Annex 11, Article 2, (f)

The integrity of the data exchanged between the eTIR international system and the competent authorities as well as the authentication of the ICT systems will be ensured by means of secure connections, as defined in the eTIR technical specifications.”

8. Amendment proposal No. 9. The experts agreed on the following compromise text because revised Article 6 makes a clear distinction between the submission of advance TIR data via the eTIR international system and the submission directly to the competent authorities. With this wording third party solutions (e.g. TIR-EPD) which are used to submit advance TIR data will have to be considered as the representative of the holder.

“Submission of advance TIR data

1. Advance TIR data shall be submitted by the holder, or his or her representative, to the competent authorities [of the country of departure], which shall forward it to the eTIR international system after the declaration has been accepted in line with national law.

2. Advance TIR 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 via the eTIR international system.

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

In addition, revised Article 7 clarifies that the advance TIR data and the holder should be authenticated in line with national law in the process of accepting the declaration. The new paragraph 4, similarly to revised Article 2, paragraph (c) further stresses that the declaration data forwarded by the authorities to the eTIR international system have the same legal value

as an accepted TIR Carnet and put an obligation on accepting such data (i.e. not require the submission of advance TIR data by the holder).

“Authentication

1. *While accepting of the declaration [in the country of departure], competent authorities shall authenticate the advance TIR 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 11.7.2.1 to Annex 11, Article 7, paragraph 2

The eTIR international system ensures, by means described in the eTIR specifications, the integrity of the advance TIR 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] via the eTIR international system as the legal equivalent to an accepted TIR Carnet.*

Explanatory Note 11.7.4.1 to Annex 11, Article 7, paragraph 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.”

9. Amendment proposal No. 12. The experts agreed on the following compromise text because revised Article 9 clarifies that additional data requirements might be required (due to national legislation) but that contracting parties should facilitate their transmission by the holder.

“In addition to the data specified in the functional and technical specifications, competent authorities may request additional data as stipulated by national legislation.

Competent authorities should limit, to the extent possible, 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.”

10. Amendment proposal No. 15. The experts agreed that this proposal should be discussed in the framework of the Informal Group 1 on the digitalization of TIR Convention.

11. Some editorial changes were discussed on amendment proposals agreed during the Moscow meeting.

12. The experts agreed that the compromise text agreed during the two friends of the chair meetings will be circulated to all contracting parties to the TIR Convention in English and Russian by having detailed rational / explanations incorporated (ECE/TRANS/WP.30/AC.2/2019/9) well before the extraordinary session of AC.2 in June in order to carefully consider them and be ready to further discuss them and if possible accept them during the session.