



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

Geneva, 6 February 2020

Item 5 (b) (ii) of the provisional agenda

Revision of the Convention:**Amendment proposals to the Convention transmitted by
the TIR Executive Board****Publishing information on customs offices using the
International TIR Data Bank****Note by the secretariat****I. Background and mandate**

1. In accordance with Annex 8, Article 10, para. (d) of the TIR Convention, TIR Executive Board (TIRExB) shall coordinate and foster the exchange of information between competent authorities of contracting parties, associations and international organizations. Accordingly, paragraph 8(a) of its Terms of Reference requires the establishment and maintenance of an international governmental TIR data bank accessible to all contracting parties including on “approved customs offices for accomplishing TIR operations (Article 45)”.

2. TIRExB programme of work for the years 2013–2014 included as activity: “expanding the scope of the International TIR Data Bank (ITDB) to include data on customs offices approved for TIR operations” as one of the outputs expected for that period (ECE/TRANS/WP.30/AC.2/2013/7, activity 2). TIR Administrative Committee (AC.2), at its fifty-seventh session, invited TIRExB to start working on the development of an electronic database on customs offices approved for TIR operations (ECE/TRANS/WP.30/AC.2/117, para. 21). TIR secretariat developed and released the customs offices module of the ITDB in May 2018 for restricted use by customs authorities. TIRExB decided that the customs offices database would be made public upon completion of the work on data requirements (ECE/TRANS/WP.30/AC.2/2019/1, para. 11).

3. At its seventy-ninth session in December 2018, TIRExB finalized its work on the data requirements for the customs offices module and requested the secretariat to submit the data requirements to AC.2 for consideration and approval. Further, the Board concluded that it would be appropriate to consider an amendment to Article 45 of the TIR Convention to include data submission to the ITDB on customs offices, once the work on the module was completed. Following a preliminary analysis, the Board agreed that an Explanatory Note was warranted under this article (ECE/TRANS/WP.30/AC.2/2019/11, paras. 13 and 14). The Board, at its eighty-first session in April 2019, instructed the secretariat to draft an amendment to Article 45 of the TIR Convention to that end (ECE/TRANS/WP.30/AC.2/2019/13, para. 21).

4. At its eighty-third session in October 2019, TIRExB considered the amendment proposals drafted by the secretariat, which aimed at the submission of information on customs offices to the ITDB. The Board noted that the draft Explanatory Note to Article 45 would stipulate how contracting parties should fulfil their obligation on publishing information on customs offices. TIRExB assessed the merit of adding a deadline for the submission of this information. It concluded that, due to long administrative procedures undertaken to open or close customs offices, except in unforeseen circumstances, authorities would have enough time to share this information. Therefore, it decided that no fundamental need existed to amend the text of the Article, where a deadline could be reflected, for the time being. The secretariat explained that the authorities could enter data into the ITDB well in advance both on the start and end dates of the service and on working hours.

5. Mr. Guenkov (IRU) stated that IRU received the information on customs offices from the associations in new contracting parties. He added that this information was sent to the secretariat and the associations in other contracting parties, requesting transmission to customs authorities. He indicated that IRU supported the module on customs offices. However, he mentioned that the information on customs offices could have legal implications related to claims procedure. Therefore, he requested that the information be submitted to the ITDB with the date and time of the start and end of the service. He also requested that information on customs offices be made publicly available. The secretariat clarified that, in line with Article 45 that required publishing information on customs offices, that information would be publicly available via the ITDB website.

6. TIRExB endorsed the draft amendment proposals and requested the secretariat to submit them to AC.2 for adoption. The Board also highlighted the importance of informing TIRExB and the secretariat immediately about any changes in the application of the TIR Convention in contracting parties, including changes related to customs offices available for the TIR procedure.

II. Amendment proposals endorsed by the TIR Executive Board

7. The draft Explanatory Note to Article 45 stipulates the use of electronic applications developed by the TIR secretariat, under the supervision of TIRExB, to fulfil the requirement in Article 45 to publish the list of the customs offices approved for accomplishing TIR operations. In drafting the proposal, the secretariat followed the structure in the amendment proposals endorsed by TIRExB on the mandatory use of the ITDB for data submission, which are currently under consideration at AC.2 (ECE/TRANS/WP.30/AC.2/2018/12).

8. Further, introduction of a new Explanatory Note to Article 45 requires renumbering the existing Explanatory Note and, in logical order, the new Explanatory Note should precede.

9. Amendment proposals endorsed by TIRExB are contained in Annex to this document.

III. Considerations by the Committee

10. The Committee may wish to consider and adopt the amendment proposals.

Annex

1. Annex 6, new Explanatory Note 0.45-1

Add a new Explanatory Note 0.45-1 to Article 45 of the TIR Convention to *read* as follows:

“0.45-1 The legal provision to publish the list of the Customs offices of departure, Customs offices en route and Customs offices of destination approved for accomplishing TIR operations shall be fulfilled by means of the proper use of electronic applications developed to this end by the TIR secretariat under the supervision of the TIR Executive Board.”

2. Annex 6, Explanatory Note 0.45

Renumber existing Explanatory Note 0.45 of the TIR Convention, to *become* 0.45-2.
