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Economic Commission for Europe

Inland Transport Committee

Working Party on Customs Questions affecting Transport

Group of Experts on Legal Aspects of the Computerization of the TIR Procedure

Second session

Geneva, 4–5 April 2016

Item 1 of the provisional agenda

Adoption of the agenda

Annotated provisional agenda for the second session ^{1,2}

to be held at the Palais des Nations, Geneva, starting at 10.00 a.m. on Monday, 4 April 2016, Room XII

¹ For reasons of economy, delegates are requested to bring copies of the documents mentioned in this provisional agenda to the meeting. There will be no official documentation available in the meeting room. Before the meeting, documents may be obtained directly from the UNECE Transport Division (Fax: +41-22-917-0039; e-mail: wp.30@unece.org). Documents may also be downloaded from the UNECE Border Crossing Facilitation website www.unece.org/trans/bcf/welcome.html. During the meeting, documents may be obtained from the UNOG Documents Distribution Section (Room C.337, third floor, Palais des Nations).

² The full text of the Convention, as well as complete lists of Contracting Parties to the Convention referred to in this agenda are available on the UNECE website: www.unece.org/trans/conventn/legalinst.html#customs. Delegates are requested to register online at: <https://www2.unece.org/uncdb/app/ext/meeting-registration?id=JI9xoU> or to complete the registration form available from www.unece.org/meetings/practical_information/confpart.pdf and to transmit it to the UNECE secretariat, at the latest one week prior to the session, either by fax (+41-22-917-0039) or by e-mail (wp.30@unece.org). Prior to the session, delegates who do not hold a long-term access badge should obtain an identification badge at the UNOG Security and Safety Section, located at the Pregny Gate (14, Avenue de la Paix). In case of difficulty, please contact by telephone the UNECE secretariat (internal extension 75975). For a map of the Palais des Nations and other useful information, see website www.unece.org/meetings/practical.htm.

I. Provisional agenda

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8. Legal status of the eTIR Reference Model and amendment procedure.
9. Format and administrative structure of the eTIR legal framework.
10. Provisions of the TIR Convention that may be affected by the introduction of eTIR.
11. Other business.
12. Date of the next session.

II. Annotations

1. Adoption of the agenda.

The first item to be considered is the adoption of the agenda.

Documentation

ECE/TRANS/WP.30/GE.2/3

2. Election of officers

The Group of Experts on Legal Aspects of the Computerization of the TIR Procedure (GE.2) is invited to elect a Chair and a vice-Chair, in accordance with its Rules of Procedure (see ECE/TRANS/WP.30/GE.2/2, para. 5), to steer its work in 2016.

3. The eTIR Reference Model

At its previous session, GE.2 underlined the importance of the eTIR Reference Model (ECE/TRANS/WP.30/2011/4/Rev.1) as the main background and basis of its work and requested that an in depth presentation on the particulars of the eTIR Reference Model be provided by the secretariat at the current session. In line with this request, GE.2 may wish to take note of the presentation of the secretariat.

Documentation

ECE/TRANS/WP.30/2011/4/Rev.1

4. Compatibility of the eTIR legal framework with national legal requirements

At its previous session, GE.2 commenced considerations on the possibility that national legal requirements in some countries may not be compatible with the legal requirements of introducing eTIR. In this context, GE.2 may recall that the delegation of the Russian Federation informed GE.2 that the current proposal of mutual recognition of authentications performed at the country of departure would not be compatible with the legislation of the Russian Federation. Against this background, GE.2 had concluded that there would possibly be merit in conducting a survey to seek relevant information from all TIR Contracting Parties on this issue (see ECE/TRANS/WP.30/GE.2/2, para. 8(a)). As a first step, GE.2 requested the secretariat to provide, at the current session, the results of relevant surveys already undertaken by GE.1 in the framework of the eTIR project, in order to determine the appropriate next steps. In line with this request, the secretariat prepared document ECE/TRANS/WP.30/GE.2/2016/1 containing a summary of the results of the surveys conducted by GE.1. GE.2 may wish to consider this document and to determine whether there is a necessity to conduct a new survey.

Documentation

ECE/TRANS/WP.30/GE.2/2016/1

5. Administration and financing of the eTIR international system

Under this agenda item, GE.2 is invited to continue its discussions on the administration of the eTIR international system, namely the specific roles and responsibilities of the United Nations Economic Commission for Europe (UNECE), as well as the financing aspects. In this respect, GE.2 may wish to consider document ECE/TRANS/WP.30/GE.2/2016/2, prepared by the secretariat on the basis of the discussions of GE.2 at its previous session and providing further information that would assist GE.2 in advancing the discussions on this issue.

Documentation

ECE/ TRANS/WP.30/GE.2/2016/2

6. Data confidentiality considerations

At its previous session, GE.2 touched upon issues such as the secure storage of information in the eTIR international system, duration of storage, role of the administrators of the system in case information is needed to be provided for the purpose of court proceedings and other uses of the information, e.g. the compilation of aggregated statistics. GE.2 was of the view that one of the main questions under this topic was how much should be regulated under the eTIR legal framework (see ECE/TRANS/WP.30/GE.2/2, para. 8(c)). Considering the open-ended questions under this item, GE.2 decided to revert to this issue at its current session. GE.2 is invited to continue its discussions on this issue.

7. Identification of the holder and verification of the integrity of electronic data interchange messages

At the previous session, the delegation of the Russian Federation informed GE.2 that the current proposal of mutual recognition of authentications performed at the country of departure would not be compatible with the legislation of the Russian Federation, as well as provided information on work being carried-out in the Russian Federation towards the establishment of a trusted third party with the responsibility of verifying electronic signatures in electronic documents. Against this background, the delegation of the Russian Federation was invited, and accepted, to provide an in-depth presentation at the current session, in order to facilitate further discussions of GE.2 on this issue. GE.2 is invited to take note of the presentation of the delegation of the Russian Federation.

Furthermore, GE.2 requested the secretariat to prepare a document, building on the discussions of the previous session, such as for example, amending Article 8 of the draft Protocol to provide for all the means available for submitting a declaration as foreseen in the eTIR Reference Model (see ECE/TRANS/WP.30/GE.2/2, para. 8(d)), among others, to serve as a basis for further discussions on this issue. In line with this request, GE.2 may wish to consider document ECE/TRANS/WP.30/GE.2/2016/3.

Documentation

ECE/ TRANS/WP.30/GE.2/2016/3

8. Legal status of the eTIR Reference Model and amendment procedure

At its previous session, GE.2 had tentatively agreed that the eTIR Reference Model would warrant a separate amendment procedure as well as a technical body that would develop these amendments, but the exact modalities of this remain to be clarified. As such, the

secretariat was requested to prepare a document for the next session, presenting substantiated options with regard to how to give a legally binding status to the eTIR Reference Model, which parts of the eTIR Reference Model might have to be included in the Protocol as well as possible amendment procedures. In line with this request, the secretariat has prepared document ECE/TRANS/WP.30/GE.2/2016/4, for the consideration of GE.2.

Documentation

ECE/ TRANS/WP.30/GE.2/2016/4

9. Format and administrative structure of the eTIR legal framework

After extensive discussions at its previous session, GE.2 came to the conclusion that a Protocol would potentially entail a lot more complexity than originally assessed by WP.30. GE.2 was of the view that other formats for the legal framework of eTIR should not yet be excluded at this point (see ECE/TRANS/WP.30/GE.2/2, para. 8(f)). Against this background, the delegation of Switzerland offered to table a number of considerations regarding the merits of an optional Annex to the TIR Convention, 1975 as a proposal for the current session. GE.2 is invited to consider document ECE/TRANS/WP.30/GE.2/2016/5, transmitted by the Government of Switzerland.

Furthermore, GE.2 discussed several additional issues such as decision-making processes in the context of a Protocol to the TIR Convention and the importance of a clearly defined implementation timeline for eTIR once the legal framework is in place, among others. GE.2 was of the view that several questions remained to be clarified and decided to revert to this question at its current session. In this context, GE.2 requested further information to be provided by the secretariat in the form of a document on (i) the exact nature and legal status of a Protocol vis-à-vis its parent Convention and (ii) background information on similar computerization processes, e.g. eATA and electronic consignment note (eCMR) and any proposals that could be considered in light of the issues raised during the discussion. In line with this request, GE.2 is invited to consider document ECE/TRANS/WP.30/GE.2/2016/6, prepared by the secretariat.

Documentation

ECE/ TRANS/WP.30/GE.2/2016/5, ECE/ TRANS/WP.30/GE.2/2016/6

10. Provisions of the TIR Convention that may be affected by the introduction of eTIR

At its previous session, GE.2 agreed that the question of provisions of the TIR Convention, 1975 that may be affected by the introduction of the eTIR legal framework, should be closely monitored and assessed as the work progresses. Against this background, GE.2 is invited to raise related issues or concerns, if any, for further discussion.

11. Other business

Proposals under this agenda item should be transmitted to the secretariat in advance of the session.

12. Dates of the next session

GE.2 may wish to decide on the dates of its next session. The secretariat has tentatively made arrangements for the third session to be held from 12 to 13 December (a.m.) 2016.
