



# Economic and Social Council

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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

###### Third session

Geneva, 12 and 13 December 2016

Item 1 of the provisional agenda

###### Adoption of the agenda

### **Annotated provisional agenda for the third session** <sup>1,2</sup>

To be held at the Palais des Nations, Geneva, starting at 10.00 a.m. on Monday, 12 December 2016, Room XI.

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<sup>1</sup> 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](http://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).

<sup>2</sup> 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](http://www.unece.org/trans/conventn/legalinst.html#customs). Delegates are requested to register online at: [www2.unece.org/uncdb/app/ext/meeting-registration?id=t4Z1iR](http://www2.unece.org/uncdb/app/ext/meeting-registration?id=t4Z1iR) or to complete the registration form available from [www.unece.org/meetings/practical\\_information/confpart.pdf](http://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](http://www.unece.org/meetings/practical.htm).

## **I. Provisional agenda**

1. Adoption of the agenda.
2. Compatibility of the eTIR legal framework with national legal requirements.
3. Financing of the eTIR international system.
4. Administration of the eTIR international system.
5. Data confidentiality considerations.
6. Identification of the holder and verification of the integrity of electronic data interchange messages.
7. Legal status of the eTIR Reference Model and amendment procedure.
8. Format and administrative structure of the eTIR legal framework.
9. Provisions of the TIR Convention that may be affected by the introduction of eTIR.
10. Other business.
11. 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.2/5

### **2. Compatibility of the eTIR legal framework with national legal requirements**

At its previous session, GE.2 decided to conduct a survey with the objective of collecting information on (a) the various methods of authentication used at customs offices of departure, (b) the various specificities (implementation and processing) of the use of electronic signatures in particular; (c) on the legal status/validity of electronic communications (including electronic signatures) in domestic jurisdictions, such as, but not limited to, their admissibility as evidence in national court proceedings. Further to this, GE.2 had requested the secretariat to prepare the draft survey, circulate it to all participants of GE.2 electronically for comments and inputs as well as finalize and launch it prior to the next session of GE.2. In line with this request, the secretariat prepared and launched the survey electronically in September 2016, following electronic consultations and approval of GE.2, and has compiled the preliminary results of the survey, as received by the date of 15 November 2016, for discussion at the present session.

#### **Documentation**

Informal Document (2016) No.1

### **3. Financing of the eTIR international system**

Recalling its conclusions at the previous session, namely that the way to finance the eTIR international system (the initial and development costs, as well as the maintenance costs) should be identified as a matter of priority, taking into account the information available in the eTIR Cost-Benefit-Analysis (CBA), GE.2 is invited to consider document ECE/TRANS/WP.30/GE.2/2016/7, prepared by the secretariat as per the request of GE.2 and outlining financing possibilities. GE.2 may also wish to recall that it was decided that this document, once finalized by GE.2, should be transmitted to WP.30 and AC.2, as well as, possibly, to the budgetary organs of UNECE for further consideration and assessment.

#### **Documentation**

ECE/TRANS/WP.30/GE.2/2016/7

### **4. Administration of the eTIR international system**

At its previous session, GE.2 discussed the manner in which the eTIR international system will be administered and the types of functions the administrators of the system will be authorized to conduct, particularly with reference to storage of data and use of the information for extracting statistics. GE.2 was not ready to discuss the draft provisions on this issue and decided to revert to the pending questions on the administration of the eTIR

international system at the next session. GE.2 may wish to continue its discussions on this issue.

## **5. 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. The delegation of IRU had proposed that the obligations of confidentiality of UNECE, in particular, as administrator of the eTIR international system, should be outlined in a provision similar to Annex 9, Part III, paragraph 4 of the TIR Convention. GE.2 is invited to continue its discussions on this proposal.

In addition, the delegation of the Russian Federation raised concerns on the security of information more broadly, and was invited to submit, for the next session, a document outlining the elements, which, in the view of the delegation of the Russian Federation, should be further considered by GE.2 under this item.

### **Documentation**

ECE/TRANS/WP.30/GE.2/2016/10

## **6. Identification of the holder and verification of the integrity of electronic data interchange messages**

At the previous session GE.2 was of the general view that, since the authentication of the identity of the holder or their representative only takes place at the customs office of departure, it would fall under the overall scope of the checks and controls performed at the customs office of departure that ought to be accepted by the customs offices en route and at destination, in keeping with the principle of the TIR Convention on mutual recognition. As such, several delegations proposed that, perhaps, it would not be necessary to specify this element in the legal framework at all. In addition, GE.2 discussed the various ways for submitting advance cargo information to the customs office of departure and to what extent these should be expressly outlined in the eTIR legal framework or, alternatively, left solely as part of the technical document namely the eTIR Reference Model. In light of these discussions, GE.2 requested the secretariat to provide revised document ECE/TRANS/WP.30/GE.2/2016/3/Rev.1 for further consideration.

### **Documentation**

ECE/TRANS/WP.30/GE.2/2016/3/Rev.1

## **7. Legal status of the eTIR Reference Model and amendment procedure**

At its previous session, GE.2 reiterated its view that the eTIR Reference Model should remain a separate technical document, with legal validity by including an appropriate reference in the eTIR legal framework. GE.2 also agreed that the length and complexity of the eTIR Reference Model would warrant the establishment of an appropriate technical body and a simplified amendment procedure. As such, GE.2 requested the secretariat to prepare a document, outlining specifically the procedural and legal modalities of (a) assigning legal status to the eTIR Reference Model by reference, (b) creating a technical body and its relationship to the various TIR intergovernmental bodies and (c) creating a simplified amendment procedure. In line with this request, GE.2 may wish to consider document ECE/TRANS/WP.30/GE.2/2016/8.

**Documentation**

ECE/ TRANS/WP.30/GE.2/2016/8

**8. Format and administrative structure of the eTIR legal framework**

At its previous session, GE.2 considered a proposal by the delegation of Switzerland, offering a number of considerations regarding the merits of an optional Annex to the TIR Convention as opposed to the originally considered option of an additional Protocol. Further to constructive discussions on the advantages and disadvantages of each of the proposed legal formats, GE.2 consolidated its findings in a table, attached as Annex to the report of the second session (ECE/TRANS/WP.30/GE.2/4). Against this background, GE.2 requested the secretariat to draft legal text for the eTIR framework in both formats (as a Protocol and as an Annex) for consideration at the next session. In line with this request, GE.2 is invited to consider document ECE/ TRANS/WP.30/GE.2/2016/9.

**Documentation**

ECE/ TRANS/WP.30/GE.2/2016/9

**9. 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.

**10. Other business**

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

**11. 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 fourth session to be held on 16 and 17 May 2017.

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