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Inland Transport Committee

Working Party on Customs Questions affecting Transport

157th session

Geneva, 9 and 10 June 2021

Item 3 (c) (ii) b. of the provisional agenda

Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention, 1975):

Application of the Convention:

eTIR:

Activities of the Group of Experts on Conceptual and Technical Aspects of Computerization of the TIR Procedure

Questions and answers on the application of various provisions of the TIR Convention for TIR transports carried out under the eTIR procedure

Note by the secretariat

I. Background

1. At its 154th session, the Working Party on Customs Questions affecting Transport (WP.30) decided that customs administrations and national associations should be able to add their own questions with regard to the application of various provisions of the TIR Convention (including Annex 11) for TIR transports carried out under the eTIR procedure to the list of Questions and Answers (Q&A) and have those questions published on the eTIR website, together with the answers by the Group of Experts on Conceptual and Technical Aspects of Computerization of the TIR Procedure (WP.30/GE.1) or WP.30 (depending on the nature of the questions).

2. Section II presents a set of questions submitted by the State Customs Committee of the Republic of Belarus, together with draft replies by the secretariat, including the feedback received from eTIR focal points.



II. Questions and answers on the application of various provisions of the TIR Convention for TIR transports carried out under the eTIR procedure

No.	Subject	Questions/ Replies
1.		<p>Procedure for the application (implementation) of eTIR within the framework of customs unions, if one or several member States of the customs union do not join Annex 11 of the TIR Convention (the possibility of using eTIR, opening / completing the procedure, the presence of an accompanying document in paper form with customs authority remarks).</p> <p>For reference: member States of the Eurasian Economic Union (hereinafter - the EAEU) have acceded to the TIR Convention separately, therefore, they independently determine the application of the TIR Convention.</p> <p>Draft reply: Article 1 para.1 of Annex 11 of the TIR Convention stipulates that the eTIR procedure shall apply in the relations between contracting parties bound by Annex 11. Para. 2 clarifies that 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. Consequently, the eTIR procedure can be used for a transport involving a contracting party which is bound by Annex 11 and is a member State of a customs or economic union with a single customs territory, as long as that transport would not pass across the territory of another member State of that customs or economic union with a single customs territory and which is not bound by Annex 11.</p>
2.		<p>The procedure to apply the backup procedure if it is not possible to obtain eTIR data when the transport has already begun under the eTIR procedure (including the composition of the accompanying document, its identification, as well as how the changes made along the route during the eTIR procedure will be displayed in the accompanying document (if their verification is necessary within the backup scheme), as well as the need to enter information into eTIR after customs operations based on the accompanying document).</p> <p>Draft reply: Annex III of document ECE/TRANS/WP.30/2020/7 contains the latest revision of Chapter 1.2 (Fallback scenarios) of the eTIR functional specifications. This document is available in all ECE working languages.</p>
3.		<p>Further clarification is required on the question of the possibility of indicating the attribute "reservation" in the final message.</p> <p>Draft reply: The termination message sent by customs at the end of each TIR operation (I11), has a "Reservations" attribute, which allows customs to specify the reservations they would have (same as box 27 of the TIR Carnet).</p>
4.		<p>We consider it appropriate to put in the specifications of eTIR a provision regulating a case when transportation starts and ends in the same country but crosses the territory of another country, and the corresponding confirmation is required in the TIR Carnet (Article 2 of the TIR Convention) or to clarify further how the "confirmation" will be included in the product description.</p> <p>Draft reply: The Explanatory Notes to Article 2 foresees 2 options, either a separate document, which, for the eTIR procedure, could be attached or at least mentioned as an attached document to the advance TIR data, or an endorsement on the TIR Carnet. The latter could be done using the "Remarks" attribute of the start operation message (I9). Alternatively, a new field (e.g. for official use) could be added to the I7 message.</p>

No.	Subject	Questions/ Replies
5.		<p>We support the need to ask GE.1 questions (and to further elaborate on them) regarding the suspension of a transport under the eTIR procedure (commentary to Article 2 of the TIR Convention), as well as inclusion of additional messages in the eTIR specifications about additional customs remarks in case the customs authorities send the carrier back to the customs office of departure of a neighbouring country if there was no customs clearance or in an incorrect form (Article 21 of the TIR Convention).</p> <p>Draft reply: The “Refusal to start” message (I17) is designed specifically to notify that a TIR transport needs to be terminated because customs authorities refuse to start a TIR operation. Would the TIR transport be able to continue, the TIR Carnet holder has to submit an amendment to the declaration data (E11) to the country to which he/she returns to change the itinerary.</p>
6.		<p>As for Article 33 of the TIR Convention, will drawings, photographs, etc. be uploaded to the eTIR system electronically or information will be provided on their availability.</p> <p>Draft reply: The eTIR specifications allow at this stage various ways to attach documents to the advance TIR data (including drawings and photographs). The files can either be sent with the advance TIR data message or provided as links to external repositories. There is also the possibility to only make a reference to a paper accompanying document which will be presented to customs directly.</p>
7.		<p>A detailed study is needed on the question of authentication of the holder, documents. It may be necessary to establish a number of minimum requirements, as authentication is carried out in accordance with national law but is mutually recognized by all contracting parties.</p> <p>Draft reply: Such minimum requirement (if agreed by the contracting party bound by Annex 11) should be included in the eTIR specifications.</p>
8.		<p>It is necessary to further study the possibility of using eTIR as a transit declaration. The eTIR structure differs from the structure of the transit declaration established in the territory of the EAEU. In addition, eTIR lacks information on compliance with prohibitions and restrictions on the movement of goods, as well as on the value of goods.</p> <p>For reference: in the territory of EAEU, as a transit declaration, it is possible to use a TIR Carnet, with the transport (transportation) and commercial documents attached to it. Moreover, in this case, the customs authority is presented with an electronic form (electronic copy) of the transit declaration.</p> <p>Draft reply: Until contracting parties bound by Annex 11 agree to include additional data elements in the advance TIR data message to cover the additional needs of specific customs administrations, the use of attached documents allows TIR Carnet holders to submit together with their advance TIR data and documents that would contain the information required by a specific customs administration.</p>
9.		<p>In the event of accession to Annex 11 of the TIR Convention, it is necessary to set a time to finalize the information systems of the customs authorities and their connection to the eTIR system.</p> <p>For reference: in order to implement the eTIR system, technological documents will need to be developed, as well as harmonization of the structure and formats of the transit declaration by the International Road Transport Union (IRU) within the framework of the decision of the Board of the Eurasian Economic Commission of January 16, 2018 No. 2 for the possibility of submitting a TIR Carnet in the form of an electronic document into the information system of the customs authorities.</p>

<i>No.</i>	<i>Subject</i>	<i>Questions/ Replies</i>
		<p>Draft reply: Annex 11, Article 3, para. 2 states that “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. However, Explanatory Note to Article 3, paragraph 2 states that 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.”</p>

III. Considerations by the Working Party

3. WP.30 may wish to consider the questions and answers and request the secretariat to include them in the Q&A section of the eTIR website.
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