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**Economic Commission for Europe****Administrative Committee for the TIR Convention, 1975****Technical Implementation Body****First session**

Geneva, 18–21 January 2022

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

**eTIR conceptual, functional and technical specifications:****Version 4.4:****Proposals by governments:****Issues transmitted by AC.2****Proposals by Governments for version 4.4 of the eTIR specifications****Transmitted by governments of TIR contracting parties****I. Introduction and mandate**

1. Governments were invited to send proposals on issues to be included in version 4.4 of the eTIR specifications.
2. Furthermore, at its seventy-sixth session (October 2021), AC.2 considered document ECE/TRANS/WP.30/AC.2/2021/4, but could not reach agreement, due to the technical nature of the issues at stake. It requested the secretariat to transmit the document to TIB for further assessment, inviting the Turkish delegation, as well as others, to submit their comments to the secretariat no later than by 7 November 2021, so that they could be transferred to TIB for consideration.

**II. Proposals/Comments by Governments****Comments by Turkey regarding document  
ECE/TRANS/WP.30/AC.2/2021/4**

3. First of all, as it was expressed by our delegation during the session, Paragraph 3 of Article 6 of the Convention states that “An association shall issue TIR Carnets only to persons, whose access to the TIR procedure has not been refused by the competent authorities of Contracting Parties in which the person is resident or established.”
4. By considering this Paragraph, two conclusions from this provision could be reached. Firstly, it is stated that the TIR Carnets should be issued to the holders by the associations. The second conclusion is that, during the issuance of the TIR Carnets to the holders, whether the holders are authorized to use TIR Carnets should also be checked by the relevant associations.

5. Additionally, the new paragraph (s) to the Article 1 of the Convention, which was introduced by the Annex 11 amendments, states that “The term ‘eTIR procedure’ shall mean the TIR procedure, implemented by means of electronic exchange of data, providing the functional equivalent to the TIR Carnet. Whereas the provisions of the TIR Convention apply, the specifics of the eTIR procedure are defined in Annex 11.” Therefore, it is our understanding that the term "eTIR" means the digitalization of the existing TIR procedure; and regarding the particulars of eTIR that are not specified in the text of Annex 11, the relevant provisions of the Convention, such as the abovementioned Paragraph 3 of Article 6 for the issuance of the guarantees to the holders, will continue to apply.

6. As the registration of the electronic guarantees to the eTIR International System reflects the issuance of the TIR Carnets to the holders, unless there is a provision in the Convention that clearly states that this process should differ in the eTIR procedure, we are of the opinion that, in light of the Paragraph 3 of the Article 6 of the Convention, this procedure should also be done entirely by the relevant associations.

7. However, in the Paragraph 9 of the Working Document, it is stated that “After the issuance of the eGuarantee by the association, it needs to be registered in the eTIR international system (by the association). IRU does this registration on behalf of the association.” The second sentence implies that there is an already agreed arrangement within the guarantee chain, which delegates this responsibility that was imposed upon the associations by the Convention, to the international organization

8. Since the digitalized process of the distribution of the TIR Carnets by the international organization would mainly be reflected as the central creation and distribution of electronic guarantees to the associations, there might be a contradiction between Article 6 of the Convention and the functioning of the guarantee chain regarding the issuance of electronic guarantees. Thus, we believe that this issue should be clarified before the Annex 11 is fully implemented by the Contracting Parties.

9. Therefore, we would like to kindly request the TIB to ensure that the technical aspects of the systems of the guarantee chain regarding the electronic guarantees, including the issuance of such guarantees to the holders and their registration to the eTIR International System, are in line with the relevant provisions of the TIR Convention.

### **III. Considerations by TIB**

10. TIB may wish to note that the secretariat did not receive any governmental proposals on issues to be included in version 4.4 of the eTIR specifications.

11. However, TIB may wish to take into account the comments by Turkey presented above in the course of its considerations of document ECE/TRANS/WP.30/AC.2/2021/4. In line with the request by AC.2, the findings of TIB on this matter will be transmitted to AC.2 for final approval, including, potentially, issues of a legal nature that need to be addressed by the Committee itself.

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