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Working Party on Customs Questions Affecting Transport

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Item 8 (b) (ii) of the provisional agenda

Informal Ad hoc Expert Group on the Conceptual and Technical Aspects of Computerization of the TIR Procedure

Twelfth session
Geneva, 12 June 2007
Item 2 (a) of the provisional agenda

CUSTOMS CONVENTION ON THE INTERNATIONAL TRANSPORT OF GOODS UNDER COVER OF TIR CARNETS (TIR CONVENTION, 1975)

Revision of the Convention

Preparation of Phase III of the TIR Revision process

Transmitted by the International Road Transport Union (IRU)*

* The secretariat reproduces the document as received.

Draft Chapter 2 of the e TIR Reference Model

This response to the draft revised Chapter 2 of the eTIR Reference Model (ECE/TRANS/WP.30/GE.1/2007/2/Rev.1) comprises two elements. Firstly there is a recapitulation of the four issues (issues 1 to 4) raised by IRU during the "Chapter 2 drafting meeting" held in Belgrade on 6 and 7 March 2007. Secondly there is list of the major additional issues (numbers 5 to 12) identified in Sections 2.2 and 2.3 of document ECE/TRANS/WP.30/GE.1/2007/2/Rev.1.

Issues already highlighted in Belgrade:

1. *The TIR Carnet, an integrated Customs Declaration and Guarantee, is artificially divided in the proposal, requiring guarantee data to be sent only to the central system (the so-called eTIR International system) by the Guarantee Chain;*

2. *In the proposal, the holder submits the declaration only to the Customs Office (CO) of departure, and then the central system forwards this declaration to all subsequent Contracting Parties (CPs);*

3. *CO validates the guarantee against the Central System and not against the Guarantee Chain's System;*

4. *Consignment item brought into Chapter 2 as a new concept.*

Views: As agreed in Belgrade (and as confirmed in the summary report of the meeting in document ECE/TRANS/WP.30/2007/9), the IRU and its member associations will submit a separate paper concerning its position on issues 1 and 3 referred to above.

Additional Issues in sections 2.2 and 2.3

5. *Sections 2.2 to 2.2.5., pages 16-20: The transition from paper to electronic may be gradual, and may depend on each country. As a result, there may be places and corridors that are computerized, and others where paper is valid.*

Views: The transition from the paper system to the computerized system will have to be over night and involving all Contracting Parties, or else there will be total chaos. Of course until such time as the computerized system is fully implemented, some aspects of the paper carnet procedure could be computerized in order to complement or ease, but not replace, the current system.

6. *Section 2.3: diagrams that contain "else" scenario: 2.3.1.10, 2.3.2.3, 2.3.2.5, 2.3.2.7, 2.3.2.11.*

Views: Those diagrams that contain a reference to "else" will have to be described as complete scenarios. Indeed "else" refers to particular situations that are part of the current procedure.

These situations should be described fully and accurately, indicating how the computerized procedure will facilitate their processing.

7. *Sections 2.2.4, 2.2.5: Although the introductory Section 2.1 mentions that the eTIR project will define standard declaration messages, further sections 2.2.4 and 2.2.5 do not.*

Views: It is fundamental that the principle of the current TIR carnet, which is a standard declaration recognized and accepted by all the Contracting Parties, is maintained in the computerized TIR environment. The failure to agree and define a standard declaration mechanism would lead to a plethora of different requirements and standards and this would, inevitably, trigger the demolition of the TIR procedure as a trade facilitation tool. This cannot be envisaged.

8. *Section 2.3.1.5, page 24: In case the guarantee has not yet been registered and the holder is authorized, the system registers the guarantee and notifies the results of the registration of the guarantee to the Guarantee Chain. If the registration fails for any reason, the Guarantee Chain is informed accordingly.*

Views: In the event that the registration fails (or, it seems, if the holder is "unknown" in ITDB), would the transport be blocked at the border?

9. *Section 2.3, All use cases Fallback scenarios with the expressions: "they will have to try again at a later stage", or, "at the first opportunity", or "through another Customs Office".*

Views: Any fallback scenario that foresees a "wait and see" solution cannot work in the real world. The eTIR system is based on the online transmission of information and if the information is not available online, then international trade is simply blocked. The fallback solution must satisfy the "online transmission" requirement at all cost. Of course this problem would be solved if the holder was the one providing the declaration data to all the Customs Offices of departure and entry. Data provided by the previous Customs Offices and stored in the Central system could then be used as a fallback.

10. *Section 2.3.2.6 page 39: If both the electronic messaging and web interface are unavailable, the information regarding the start should be provided on paper to the holder and the status of the guarantee queried by other secure means of communication that will be made available. Customs authorities should nevertheless continue to try sending the start message at a later stage or from another Customs office.*

Views: Does this mean that each Customs Office has an individual connexion to eTIR international database? If this is the intention then it is important to specify this clearly in the Reference Model.

Views: Assuming that the connections to eTIR international database would be established though a National central point, if the transmission of the information is blocked for any reason, then sending it from another Customs Office through the same central point would probably not help if the problem lies at the central point.

11. *Section 2.3.2.4 page 36: Change of itinerary.*

Views: Today, only the loading and the unloading Customs Offices are identified, and this gives freedom to the driver to choose its itinerary according to traffic conditions etc. How would a new itinerary be made known to the system? Will any Customs Office really accept to update the TIR transport and Declaration data if they are not directly involved in the TIR Operation? We suggest that the imposition of such an obligation on all Customs offices is clearly set out in the Reference Model as it would represent a new task that has eventually to be described as a use case.

12. *Section 2.3.2.10 page 43: Customs authorities send a message to the eTIR international system notifying that a TIR operation has been discharged. The eTIR international system stores the information and notifies the Guarantee Chain of the discharge of the TIR operations constituting a single TIR Transport. When all goods have reached their final destination and all TIR operations covered by the guarantee have been discharged, the status of the guarantee is changed to "released".*

Views: According to the TIR Convention, a TIR transport is a succession of national TIR operations. Each operation is started and eventually discharged in the corresponding Customs territory of the Contracting Party involved. The discharge of the TIR operation is an administrative act that effectively ends the Guarantee Chain's liability on that Customs territory. What happens in the other Contracting Parties (i.e. the discharge or non discharge of the TIR operation) involved in the same transport has no influence on the discharge in that Customs territory. The notion that the TIR guarantee can be "released" is a concept that is alien to the TIR system (in contrast with say the NCTS where the concept is clearly understood in respect of the so-called comprehensive guarantee) and should therefore be withdrawn from the Reference Model.

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