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Report of the Administrative Committee for the TIR Convention 1975 on its seventy-second session

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I. Attendance

1. The Committee (AC.2) held its seventy-second session on 5–6 February 2020 in Geneva. The session was attended by representatives of the following countries: Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iran (Islamic Republic of), Italy, Latvia, Lithuania, Netherlands, Poland, Republic of Moldova, Romania, Russian Federation, Serbia, Slovakia, Spain, Sweden, Switzerland, Tajikistan, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and Uzbekistan. Representatives of the European Union were also present. The following intergovernmental organizations were represented: Economic Cooperation Organization (ECO), Eurasian Economic Commission (EEC). The following non-governmental organization was represented: International Road Transport Union (IRU).

2. The Committee noted that the required quorum for the purposes of taking decisions – of at least one-third of the States which are contracting parties (according to Annex 8, Article 6 of the Convention) – was attained.

3. The Executive Secretary of the United Nations Economic Commission for Europe (ECE), Mrs. Olga Algayerova, delivered an opening speech to mark the historic occasion of the formal adoption of proposals to introduce computerization in the text of the TIR Convention, pointing at the importance of eTIR for the survival of the TIR system. She called upon the joint responsibility of governments to prevent a single contracting party from raising an objection, which would make the work of more than twenty years to arrive at eTIR null and void. Finally, she also reminded contracting parties that this moment also marked the beginning of a new era for the TIR Convention, with many activities required at the national and institutional level to make eTIR fully operational.

4. The delegations of Azerbaijan, the European Union, Iran (Islamic Republic of), Turkey and IRU intervened in support of the statement of the Executive Secretary, confirming their readiness to move to the formal adoption of the proposals.

II. Adoption of the agenda (agenda item 1)

5. The Committee adopted the agenda of the session (ECE/TRANS/WP.30/AC.2/146 and its Corr.1) and noted the availability of additional informal documents. The Committee agreed with the proposal to first consider agenda item 5 (c), document ECE/TRANS/WP.30/AC.2/2020/7, before pursuing with its regular conduct of business.

III. Election of officers (agenda item 2)

6. In accordance with the Committee's rules of procedure and established practice, the Committee elected Ms. L. Jelinkova Harantova as Chair for its sessions in 2020. The position of Vice-Chair remaining vacant, delegations were invited to nominate a candidate for election at the next session of the Committee.

IV. Status of the TIR Convention, 1975 (agenda item 3)

7. The Committee took note that, since its previous session, the status of the Convention and the number of contracting parties had not changed. Thus, the TIR Convention has, to date, seventy-six contracting parties (including the European Union). But, since the activation of the TIR system for the Kingdom of Saudi Arabia on 23 January 2020, TIR operations can now be established with sixty-three countries. More detailed information on depositary notifications is available on the TIR website.¹

¹ www.unece.org/tir/tir-depositary_notification.html.

V. Activities and administration of the TIR Executive Board (agenda item 4)

A. Activities of the TIR Executive Board

1. Report by the Chair of the TIR Executive Board

8. The Committee endorsed the report of the TIR Executive Board (TIRExB) at its eighty-second (June 2019) session (ECE/TRANS/WP.30/AC.2/2020/1).

9. The Chair of TIRExB orally briefed the Committee about the major considerations and decisions taken at the eighty-fourth session. At the session, the Board took note of further steps taken by the secretariat towards the implementation of the United Nations Office of Internal Oversight Services (OIOS) audit recommendations. The Board continued consideration of the intermodal use of the TIR procedure. The Board also requested the secretariat to send reminders for the surveys on the 2020 TIR Carnet prices and on customs claims for the years 2015–2018. The Board finalized its work on the mandate from AC.2 to assess whether and to which extent it would be possible to include provisions on the relation between the international organization and its national associations in the text of the TIR Convention (see ECE/TRANS/WP.30/AC.2/137, paras. 16 and 39). TIRExB was of the opinion that, in order to address the issues raised by the Romanian customs authorities or similar cases, it seemed more appropriate to develop some type of early warning mechanism or guidelines. The Board considered that with an early warning mechanism all stakeholders could be urged to inform each other as well as TIRExB in a timely manner. The Board finalized its work on a draft early warning mechanism and requested the secretariat to submit it to AC.2 for consideration at its next session.

10. The Committee took note of the prices of TIR Carnets for the years 2012 to 2019, as communicated to TIRExB, and the analysis of the 2019 prices, contained in document ECE/TRANS/WP.30/AC.2/2020/12. The Committee took note that, as pointed out by TIRExB, the general reduction of TIR Carnet prices did not seem to impact the decline in the issuance of TIR Carnets. The Committee, stressing the importance of monitoring TIR Carnet prices, requested national associations to report the 2020 TIR Carnet prices before 1 March 2020, in line with the provisions of Annex 9, Part II, paragraph 3 (vi) of the TIR Convention.

11. Under this agenda item, the Committee also took note of Informal document WP.30/AC.2 (2020) No. 1 by IRU containing the statistics for the distribution of TIR Carnets to national associations for the years 2001–2019.

2. International databases and electronic tools managed by the TIR secretariat

12. The Committee welcomed the status report on the International TIR Data Bank (ITDB) application by the secretariat. The Committee was informed about the current status of data recordings in ITDB and, in particular, of the following figures: 1,038 web application users, 33,944 authorized holders recorded, 232 stamps and seals recorded, 2,439 customs offices recorded, as well as about the web service usage for the past two years. The secretariat also informed the Committee about recent ITDB-related achievements: the completion of security upgrades on the ITDB servers, email communications sent to TIR focal points sharing ITDB status data, improvements to the ITDB service desk processes, progress in liaising with customs authorities about the customs offices module and the completion of improvements to the holder module (management of user notifications using regions). Finally, the Committee was informed about future releases and other activities planned for 2020, namely rolling out the improvements on the holder module (notifications using regions), addressing the remaining discrepancies in data in the customs offices feature, supporting the launch of the eTIR international system prototype and starting the design of the Certificates of Approval module.

13. The Committee took note of the data model for the ITDB customs offices module, presented in document ECE/TRANS/WP.30/AC.2/2020/3. The Committee noted a difference in the definition of the roles of customs offices between the Russian version of the text and Article 1 of the TIR Convention. The Committee requested the secretariat to revise

the document for its October 2020 session in that respect and also to clarify how data on the different roles of customs offices would be entered into ITDB. The Committee further requested the secretariat to deliver, at its next session, a presentation of the customs offices module in order to better understand its functioning.

3. National and regional TIR workshops and seminars

14. The Committee was informed that, during the United Nations General Assembly in New York, the secretariat in cooperation with the United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States had organized a side event on the eTIR international system and the benefits that its application would bring to landlocked countries (5 and 6 December 2019, New York). It further took note that, on 27 February 2020, ECE and the Shanghai Cooperation Organization will co-organize a high level round table on the implementation of the 2030 Agenda for Sustainable Development along the trans-continental Eurasian transport corridors, as a side event of the eighty-second session of the Inland Transport Committee.

B. Administration of the TIR Executive Board and the TIR secretariat

1. Status report on the accounts for the year 2019

15. In accordance with Annex 8, Article 11, paragraph 4 of the Convention, TIRExB shall submit audited accounts to the Committee at least once a year or at the request of the Committee. The Committee was informed that the competent Finance Services of the United Nations were not able to formally finalize the accounts for 2019 by February 2020 and that, therefore, the report on the complete and final accounts would be transmitted, as in the past, to the next session of the Committee in 2020, for formal approval. The Committee was further informed that a preliminary review of the accounts of TIRExB by the competent services of ECE had demonstrated that its reserves were sufficient to close its accounts for 2019.

2. Procedure for financing the operation of the TIR Executive Board and TIR secretariat

16. The Committee recalled that the budget and cost plan for the operation of TIRExB and the TIR secretariat for the year 2020 were approved by the Committee at its previous session (ECE/TRANS/WP.30/AC.2/145, para. 18). The Committee was informed about the transfer of the required funds for the year 2020 by the International Road Transport Union (IRU) to the TIR Trust Fund. At its previous session, the Committee also approved the amount per TIR Carnet (\$ 1.39 (rounded), see ECE/TRANS/WP.30/AC.2/145, para. 19 and Informal document WP.30/AC.2 (2020) No. 2).

17. The Committee was informed about the audit report and management letter for the year 2019 and, in particular, that the number of TIR Carnets distributed in 2019 (855,100) was lower than the forecast at the end of 2018 (973,525) and that, as a consequence, the books of IRU were showing an internal deficit of SwF 134,808.73 (Informal document WP.30/AC.2 (2020) No. 4). The Committee decided to reflect this amount in the amount per TIR Carnet in 2021 in order to clear the above-mentioned deficit.

18. Furthermore, the Committee recalled that, at its previous session, it took note of the audit certificate for 2018, as contained in document ECE/TRANS/WP.30/AC.2/2019/18, issued further to a request from the Russian Federation at the sixty-ninth session. In reply to a question from the delegation of the Russian Federation, the secretariat confirmed that, for the future, annual audit certificates would be submitted to AC.2, informally for February sessions and formally for October sessions.

VI. Revision of the Convention (agenda item 5)

A. Amendment proposals to the Convention transmitted by the Working Party

19. The Committee recalled that, at its sixty-ninth (February 2019) and at its seventy-first (October 2019) sessions, it considered document ECE/TRANS/WP.30/AC.2/2019/5, containing proposals to amend Article 49 of the Convention with a new Explanatory Note as transmitted by the Working Party. The delegation of the European Union reiterated and elaborated on its support for the proposals, whereas the delegation of the Russian Federation maintained its opposition, arguing, *inter alia*, that transferring some customs tasks to operators, even if duly authorized and under strict conditions, would undermine the security of the TIR system.

20. As a potential compromise, the delegation of the Russian Federation proposed to revisit the proposal once the eTIR proposals would have entered into force. The delegation of the European Union could not agree with this, arguing that for many countries already today the concept of authorized consignor was a practiced and tested facilitation and that any acceptance of the Explanatory Note did not necessarily have to imply the application by all contracting parties. Not being able to make any constructive progress, the secretariat explained that, in its view, the Committee could pursue four possible avenues: (a) to continue discussing the issue; (b) to adopt the proposal and transmit it, separately or as part of a package, to the depositary for circulation among and acceptance by contracting parties; (c) to stop discussing the issue and take it from its agenda or (d) to revert to it once Annex 11 would have entered into force.

21. In reply to statements by the delegation of the European Union and Turkey that they were ready to provisionally accept the proposal pending formal adoption, the delegation of the Russian Federation warned of any negative consequence, considering that such measure would force its customs authorities to take restrictive measures with potentially negative consequences for carriers.

22. In conclusion, the Committee agreed that the proposal could be provisionally accepted, with a reservation from the Russian Federation, pending formal adoption at its October 2020 session. The delegation of the European Union expressed its readiness to further clarify the use of authorized consignors in Union and common transit and share its good experiences with the Russian delegation, possibly even by means of a study visit.

23. The Committee was informed that, at its 151st session (February 2019), the Working Party had adopted various amendment proposals (see ECE/TRANS/WP.30/2019/302, paras. 11 and 12) as contained in Annex I of document ECE/TRANS/WP.30/AC.2/2020/4. The Committee accepted these amendment proposals pending formal adoption at its next session.

24. In addition, the Committee adopted the proposal, in Annex II of the said document, to amend the comment to Explanatory Note 0.8.3 replacing \$US 50,000 by 100,000 euros, while deciding to keep the comment to Explanatory Note 0.8.3, replacing \$US 200,000 by 400,000 euros, on hold. Regarding the comment to Article 18, the Committee agreed to keep it on hold until the proposals on the amendment to the provision itself as well as to Annex I would have been formally adopted by the Committee.

B. Amendment proposals to the Convention transmitted by the TIR Executive Board

1. Submission of data to the International TIR Data Bank holder module

25. The Committee recalled that, at its previous session, it considered proposals by TIRExB to advance the use of ITDB by means of mandatory submission of data in electronic format as an appropriate way forward to confirming the status of ITDB as a reliable database. The Committee, by majority, accepted the proposals.

26. The Committee reconfirmed having accepted the proposals, as contained in official document ECE/TRANS/WP.30/AC.2/2020/5. The delegation of Uzbekistan, while expressing its support for the proposals by TIRExB, continued to advocate considering these proposals as a package, together with its and IRU proposals contained in documents ECE/TRANS/WP.30/AC.2/2019/22 and ECE/TRANS/WP.30/AC.2/2019/23. Various delegations reconfirmed their wish to discuss the Uzbek proposals separate from the TIRExB proposals.

27. In conclusion, the Chair established that, in the absence of consensus, it was not possible to formally adopt the TIRExB proposals at the current session but that they would be tabled for further consideration at the next session, whereas the Uzbek and IRU proposals would continue to be discussed separately.

28. The Committee reverted to the problems encountered by some transport operators during TIR transports, due to the absence of data on their status in ITDB. The Committee reconsidered documents ECE/TRANS/WP.30/AC.2/2019/22 by the Government of Uzbekistan and ECE/TRANS/WP.30/AC.2/2019/23 by IRU. The delegation of Uzbekistan, supported by IRU and the representative from one of the German national associations reiterated the potential negative impact of having information on the temporary exclusion of holders being made available not just to the authorities of residence of the holder but also, through ITDB, to the authorities of all TIR contracting Parties. The delegation of Uzbekistan stated that its proposal was fully consistent with Article 38. It reiterated that the availability of information on the temporary exclusion of holders to all customs authorities might lead to the non-transparent application of ITDB, that could negatively impact the competitiveness of international road transport. The proposals by Uzbekistan were supported by various observers from national associations and IRU. The representatives of the Russian Federation and Turkey, on the contrary, supported this practice as providing them an additional tool to be used for risk assessment purposes. The secretariat explained that it was one of the tasks of TIRExB according to its Terms of Reference to collect and make status information on holders (authorized or excluded) via ITDB available to all customs authorities. The secretariat informed the Committee that it was preparing a document on this and related issues, for review by TIRExB and, ultimately, consideration by the Committee.

29. The Chair concluded that the two diverging positions continue to exist. She requested the secretariat to get in touch with IRU to review cases where the notifications in ITDB on exclusions were, possibly, misused by other contracting parties. The Committee agreed to continue its discussions at the next session, based on the document by the secretariat and the review by TIRExB.

2. Publishing information on customs offices using the International TIR Data Bank

30. The Committee was informed that TIRExB, at its eighty-third session (October 2019), finalized a set of amendment proposals on publishing information on customs offices using the ITDB. The Committee considered these proposals, contained in document ECE/TRANS/WP.30/AC.2/2020/6. The delegation of the Russian Federation stated not to be against the idea as such, but was opposed to the mandatory nature of the Explanatory Note. After a further exchange of view, the Russian delegation could agree with a wording, similar to, for example, used in Explanatory Note 9.II.4. In conclusion, the Committee could provisionally accept the proposal, pending formal adoption at the next session, on the understanding that the word “shall be fulfilled” would be replaced by “is also deemed to be fulfilled”. The delegation of the European Union pointed at a mistake in the French text of the proposal, where a comma should be placed between “destination” and “agrées”, requesting it to be corrected in order to proceed with the formal adoption.

C. Accepted amendment proposals to the Convention pending formal adoption

31. The Committee recalled that, at its previous session, it had accepted proposals amending certain provisions of the body of the TIR Convention and introducing new Annex 11, as contained in document ECE/TRANS/WP.30/AC.2/2019/9/Rev.2 as amended, pending

formal adoption at its current session. In order to facilitate the decision-making process at the national level, the Committee had decided that the jointly formulated and accepted wording at the previous session should be presented as final text. The Committee had requested the secretariat to attach the final text as Annex to the final report of the session and issue it as official document to facilitate formal adoption at the current session.

32. The Committee formally adopted document ECE/TRANS/WP.30/AC.2/2020/7 which includes the finalized text of proposals amending certain provisions of the body of the TIR Convention and introducing new Annex 11, subject to the following editorial corrections: (1) in the English text of Article 58, the correct term was “quater” and not “quarter”, as mistakenly used in the report of the Committee at its previous session (ECE/TRANS/WP.30/AC.2/145, Annex I); (2) after the header of Article 58 quater, the title of the Article “Technical Implementation Body” should be inserted and (3) as previously agreed by the Committee, the words “of the holder” should be deleted from the title of Annex 11, Article 7. The secretariat was asked to attach the full final text of the proposals, in English, French and Russian as Annex to the final report of the session. The Committee requested the secretariat to send the proposals, as separate package, to the Secretary-General for circulation and formal acceptance by contracting parties.

33. The Executive Secretary of ECE, the director of the Sustainable Transport Division and various delegations congratulated the Committee with this historical achievement. The delegation of the European Union recalled the many years and resources that all stakeholders have had to invest, at times under severe pressure, to arrive at this moment. eTIR was fully in line with the European Union’s customs policy that, as far as possible, all communications with customs should be in electronic format. Having said this, it was also clear that further work would only start as of now: to finalize the eTIR specifications and initiate pilots based on them. The delegation of the Russian Federation also stressed that there was still a long way to go and reiterated the importance of the speedy conversion of GE.1 into a formal Group of Experts. The observer of EEC stated that there was a crucial need for the eTIR specifications to be finalized for the understanding of his constituency how the computerization of the TIR procedure would be pursued.

34. During the adoption, the Committee reiterated the crucial importance of the proposals, introducing eTIR, for the future of the TIR Convention. Therefore, contracting parties not (yet) interested in computerizing the TIR procedure for their territory, were strongly urged to use the possibility stipulated by newly created Article 60 bis, paragraph 1 and notify, upon expiry of the objection period of twelve months, the Secretary-General of the United Nations of their non-acceptance of Annex 11, rather than raising an objection under Article 59, paragraph 3, which would make the complete eTIR package null and void for all TIR contracting parties. The Committee instructed the secretariat to request the Secretary-General to include this statement in the depositary notification by which the eTIR package would be circulated among contracting parties.

35. The Committee requested the secretariat to prepare, for final adoption at the next session, a document containing all accepted amendment proposals so far, proposing, where possible, a sub-grouping of the package, in order to streamline the process of their transmission to the depositary.

D. Recommendation to Annex 3 on a code system to report defect remarks in the certificate of approval

36. The Committee recalled that the recommendation had come into effect on 1 October 2015 and should have been reviewed by October 2017, to see whether it was meeting its objectives. The delegations of Azerbaijan, the European Union and Turkey reported on the benefits of the code system and advocated its conversion into, possibly, an Appendix to Annex 3. In order to obtain a better understanding about the current practice in applying the recommendation, the Committee requested the secretariat to launch a short survey among contracting parties about their national experiences in this area. The results of the survey should be forwarded for review and assessment by TIRExB at its June 2020 session, after

which TIRExB was invited to transmit its findings to the Committee for consideration at its next session.

VII. Agreement between the United Nations Economic Commission for Europe and the International Road Transport Union (agenda item 6)

37. The Committee recalled that, at its previous session, it adopted the new draft ECE/IRU agreement for the period 2020–2022 inclusive, as contained in document ECE/TRANS/WP.30/AC.2/2019/24 and mandated ECE and IRU to proceed with signing the new agreement at the earliest convenience, but, in any case, well before 15 November 2019. Further, the Committee, noting that some contracting parties needed time for further consideration, decided keeping the item in the agenda for its February 2020 session, taking into account Article 9 of the draft agreement.

38. The delegation of the European Union informed the Committee that it had various minor comments to the agreement, but that it could accept that these comments only be taken on board when drafting the new agreement for the year 2023 and beyond (see Informal document WP.30/AC.2 (2020) No. 5). In particular, it raised the idea of amending the agreement with a so-called “hand-over” clause, obliging the authorized international organization to assist in transferring its tasks, in case the Committee would decide to grant the authorization to another international organization, even if the practical use of it is rather hypothetical, given the longstanding relation with IRU. The delegation of the Russian Federation supported the proposals by the European Union but challenged why the Committee would have to wait until the new agreement to decide on any further amendment of the text of the agreement. It further wondered to which extent recommendation No. 3 of OIOS had been included in the current text of the agreement. In reply, the secretariat explained that, when it comes to the amendments that entered into force on 1 July 2018, these had been taken into account in Annex IV of the agreement. In a further intervention, the delegation of the Russian Federation stated that, in its view, Annex IV only deals with the audit part of Annex 9, Part III, whereas, in the agreement, also the compliance of the authorized international organization with all conditions and requirements of Annex 9, Part III should be addressed. The delegation of the Russian Federation requested the secretariat to prepare, for consideration at the next session, a document elaborating how the conditions and requirements of Annex 9, Part III could be addressed and included in the ECE/IRU agreement. The Committee requested to secretariat to submit Informal document WP.30/AC.2 (2020) No. 5 as official document for consideration at its next session.

39. The delegation of IRU informed the Committee that it would assess the proposals by the European Union and revert to them at a future session.

VIII. Audit of the accounts of the TIR Executive Board and the TIR secretariat (agenda item 7)

40. The Committee recalled that, at its previous session, it noted that the audit requested by AC.2 at its sixty-fourth session (October 2016) from the competent United Nations services of the accounts of TIRExB and the TIR secretariat (ECE/TRANS/WP.30/AC.2/131, para. 22) had been undertaken by OIOS and completed in March 2019, and that the audit report was presented in document ECE/TRANS/WP.30/AC.2/2019/25.

41. The delegation of the Russian Federation complained that documents ECE/TRANS/WP.30/AC.2/2020/8, 10 and 11 were not available on time in Russian. Therefore, it felt compelled to request that discussions on OIOS Recommendations No. 1, No. 3 and No. 7 be postponed until the next session. This request was supported by the Committee, as also the French versions were not available on time. Thus, it was decided that only Recommendations No. 2 and No. 10 could be discussed at the current session.

42. As for OIOS Recommendation No. 2, the Committee considered document ECE/TRANS/WP.30/AC.2/2020/9 which includes updated Terms of Reference (ToR) for

TIR focal points, both from customs and associations. The delegation of the Russian Federation requested the secretariat to reformulate point No. 4 to read “assist” rather than “ensure”, clarify point No. 5 and requested that, in points. No. 2, 8, 11, and 12, any reference to WP.30 be limited to matters related to the TIR Convention. The representative of one of the German national associations asked to delete No. 10 of the ToR for associations, because any task outside TIR went beyond their competence. The delegation of the European Union requested the deletion of point No. 7, the deletion of the wording “and reply within set deadlines” in point No. 8 and the deletion of point No. 11 as it went beyond the task of TIR dedicated customs focal points. As a general observation, delegations cast doubt if all enumerated tasks could be performed by one single person.

43. In conclusion, the secretariat was requested to review both ToR on the basis of the above comments and to seek the views of national focal points from both customs and associations. Based on their feedback and the follow-up considerations by the Committee at its next session, it could then be envisaged to submit the updated ToR to heads of customs for their approval.

44. As for OIOS Recommendation No. 10, the Committee considered document ECE/TRANS/WP.30/AC.2/2020/2 which contained an action plan for training and support of recently acceded countries. The Committee welcomed, in principle, the action plan, as reference for activities to be undertaken by the TIR secretariat. However, the Committee questioned the ambitious time-plan of the various activities as well as the amount of human and financial resources required for its implementation and requested the secretariat to prepare, for consideration at the next session, an assessment of the effectiveness of the action plan for the year 2020, for review by the Committee, with the possibility to adjust the plan for the years 2021 and 2022, if so required.

45. Finally, concerning Recommendation No. 6 of the United Nations Office of Oversight Services (OIOS), the Committee took note of the letter sent by the TIR Secretary to the United Nations Ethics Office, as contained in Informal document WP.30/AC.2 (2020) No. 3 and requested the secretariat to keep it informed of any follow-up on the issue.

IX. Phase III of the TIR revision process – Computerization of the TIR procedure (agenda item 8)

46. Due to a lack of time, the Committee agreed to refer to the relevant paragraphs of the report of the Working Party on its 154th session.

X. Best practices (agenda item 9)

47. The Committee recalled that, due to a lack of time at its sixty-ninth (February 2019) and seventy-first (October 2019) sessions, it had decided to revert to document ECE/TRANS/WP.30/AC.2/2018/13, containing an updated version of the example agreement, at its current session.

48. The Committee considered document ECE/TRANS/WP.30/AC.2/2018/13, containing an updated version of the example agreement between competent national authorities and the authorized national association, and took note of the statement by the delegation of Turkey, which stressed that the example agreement is not only useful for contracting parties that have to renew their agreement but also for new contracting parties that need to conclude such agreement. The Committee endorsed document ECE/TRANS/WP.30/AC.2/2018/13 and requested the secretariat to post the updated example agreement on the TIR website and include it in the next version of the TIR Handbook. The delegation of the Russian Federation, while accepting the example, was of the view that it would have been better to put the issue on hold until Annex 11 would have entered into force, considering that, by any means, this would require another update of the example.

XI. Other business (agenda item 10)

A. The International Road Transport Union external audit report and related matters

49. The Committee decided to keep the item in the agenda, while recalling its decision to include the audit report as part of the list of documentation in relation to Recommendation No. 1 of OIOS.

B. Date of next session

50. The Committee decided that its seventy-third session would take place in the week of 12–16 October 2020, in conjunction with the 156th session of the Working Party (exact date to be confirmed by the Working Party at its 155th session).

C. Restriction on the distribution of documents

51. The Committee decided that there should not be any restriction on the distribution of documents issued in connection with its current session.

D. List of decisions

52. Following a decision by the Committee, a list of decisions is attached as Annex II to the final report.

XII. Adoption of the report (agenda item 11)

53. In accordance with Annex 8, Article 7 of the convention, the Committee adopted the report of its seventy-second session on the basis of a draft prepared by the secretariat. During the adoption of the report, French and Russian speaking delegations deplored that parts of the report were not available in all three official languages and underscored the importance of ensuring that the final report be made available in all three working languages well in advance of its next session.

Annex I

[English/French/Russian]

Consolidated draft eTIR legal framework

A. Amendments to the TIR Convention

1. Article 1, new paragraph (s)

(s) 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.

1bis. Article 3 (b)

(b) the transport operations must be guaranteed by associations authorized in accordance with the provisions of Article 6. They must be performed under cover of a TIR Carnet, which shall conform to the model reproduced in Annex 1 to this Convention or be carried out by the eTIR procedure.

2. Article 43

The Explanatory Notes set out in Annex 6, Annex 7, Part III, and Annex 11, Part II interpret certain provisions of this Convention and its Annexes. They also describe certain recommended practices.

3. New Article 58 quater

Technical Implementation Body

A Technical Implementation Body shall be established. Its composition, functions and rules of procedure are set out in Annex 11.

4. Article 59

1. This Convention, including its Annexes, may be amended upon the proposal of a Contracting Party by the procedure specified in this Article.

2. Except as provided for under Articles 60 bis, any proposed amendment to this Convention shall be considered by the Administrative Committee composed of all the Contracting Parties in accordance with the rules of procedure set out in Annex 8. Any such amendment considered or prepared during the meeting of the Administrative Committee and adopted by it by a two-thirds majority of the members present and voting shall be communicated by the Secretary-General of the United Nations to the Contracting Parties for their acceptance.

3. Except as provided for under Articles 60 and 60 bis, any proposed amendment communicated in accordance with the preceding paragraph shall come into force with respect to all Contracting Parties three months after the expiry of a period of twelve months following the date of communication of the proposed amendment during which period no objection to the proposed amendment has been communicated to the Secretary-General of the United Nations by a State which is a Contracting Party.

4. If an objection to the proposed amendment has been communicated in accordance with paragraph 3 of this Article, the amendment shall be deemed not to have been accepted and shall have no effect whatsoever.

5. New Article 60 bis

Special procedure for the entry into force of Annex 11 and amendments thereto

1. Annex 11, considered in accordance with paragraphs 1 and 2 of Article 59 shall come into force with respect to all Contracting Parties three months after the expiry of a period of twelve months following the date of communication by the Secretary-General of the United Nations to the Contracting Parties, except for those Contracting Parties that have notified the Secretary-General in writing, within the aforementioned period of three months of their non-acceptance of Annex 11. Annex 11 shall enter into force for Contracting Parties which withdraw their notification of non-acceptance six months after the date on which withdrawal of such notification has been received by the depositary.
2. Any proposed amendment to Annex 11 shall be considered by the Administrative Committee. Such amendments shall be adopted by a majority of the Contracting Parties bound by Annex 11 present and voting.
3. Amendments to Annex 11 considered and adopted in accordance with paragraph 2 of this Article shall be communicated by the Secretary-General of the United Nations to all Contracting Parties for information or, for those Contracting Parties bound by Annex 11, acceptance.
4. The date of entry into force of such amendments shall be determined at the time of their adoption, by a majority of the Contracting Parties bound by Annex 11 present and voting.
5. Amendments shall enter into force in accordance with paragraph 4 of this Article unless by a prior date determined at the time of adoption, one-fifth or five of the States which are Contracting Parties bound by Annex 11, whichever number is less, notify the Secretary-General of their objection to the amendments.
6. On entry into force, any amendment adopted in accordance with the procedures set out in paragraphs 2 to 5 of this Article shall for all Contracting Parties bound by Annex 11 replace and supersede any previous provisions to which the amendment refers.

6. Article 61

The Secretary-General of the United Nations shall inform all Contracting Parties and all States referred to in Article 52, paragraph 1 of this Convention of any request, communication, or objection under Articles 59, 60 and 60 bis above and of the date on which any amendment enters into force.

7. Annex 9, Part I, paragraph 3, new subparagraph (xi)

(xi) confirm, in case of a fallback procedure described in Article 10, paragraph 2 of Annex 11, for Contracting Parties bound by Annex 11, upon request of the competent authorities, that the guarantee is valid, that a TIR transport is carried out under the eTIR procedure and provide other information relevant to the TIR transport.

B. Annex 11 – The eTIR procedure

1. Part I

Article 1
Scope of application

1. The provisions in this Annex govern the implementation of the eTIR procedure as defined in Article 1, paragraph (s) of the Convention and shall apply in the relations between Contracting Parties bound by this Annex, as provided for in Article 60 bis, paragraph 1.

2. 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.

Article 2 Definitions

For the purposes of this Annex:

(a) The term “eTIR international system” shall mean the Information and Communication Technology (ICT) system devised to enable the exchange of electronic information between the actors involved in the eTIR procedure.

(b) The term “eTIR specifications” shall mean the conceptual, functional and technical specifications of the eTIR procedure adopted and amended in accordance with the provisions of Article 5 of this Annex.

(c) The term "advance TIR data" shall mean the data submitted to the competent authorities of the country of departure, in accordance with the eTIR specifications, of the intention of the holder to place goods under the eTIR procedure.

(d) The term "advance amendment data" shall mean the data submitted to the competent authorities of the country in which an amendment to the declaration data is requested, in accordance with the eTIR specifications, of the intention of the holder to amend the declaration data.

(e) The term “declaration data” shall mean the advance TIR data and the advance amendment data which have been accepted by the competent authorities.

(f) The term “declaration” shall mean the act whereby the holder, or his or her representative, indicates, in accordance with the eTIR specifications, the intent to place goods under the eTIR procedure. From the moment of acceptance of the declaration by the competent authorities, based on the advance TIR data or the advance amendment data, and the transfer of the declaration data to the eTIR international system it shall constitute the legal equivalent of an accepted TIR Carnet.

(g) The term “accompanying document” shall mean the printed document electronically generated by the customs system, after the acceptance of the declaration, in line with the guidelines contained in the eTIR technical specifications. The accompanying document can be used to record incidents en route and replaces the certified report pursuant to Article 25 of this Convention and for the fallback procedure.

(h) The term “authentication” shall mean an electronic process that enables the electronic identification of a natural or legal person, or the origin and integrity of data in electronic form to be confirmed.

Explanatory Notes to Article 2 (h)

11.2 (h)-1 Until a harmonized approach has been established and described in the eTIR specifications, Contracting Parties bound by Annex 11 may authenticate the holder with any process provided for in their national law, including, but not limited to, user name/password or electronic signatures.

11.2. (h)-2 The integrity of the data exchanged between the eTIR international system and the competent authorities as well as the authentication of the Information and Communication Technology (ICT) systems will be ensured by means of secure connections, as defined in the eTIR technical specifications.

Article 3 Implementation of the eTIR procedure

1. Contracting Parties bound by Annex 11 shall connect their customs systems to the eTIR international system in line with the eTIR specifications.

2. 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.

Explanatory Note to Article 3, paragraph 2

11.3.2 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.

Article 4

Composition, functions and rules of procedure of the Technical Implementation Body

1. The Contracting Parties bound by Annex 11 shall be members of the Technical Implementation Body. Its sessions shall be convened at regular intervals or at the request of the Administrative Committee, as required for the maintenance of the eTIR specifications. The Administrative Committee shall be regularly informed of the activities and considerations of the Technical Implementation Body.
2. Contracting Parties which have not accepted Annex 11 as provided for in Article 60 bis, paragraph 1 and representatives of international organizations may attend sessions of the Technical Implementation Body as observers.
3. The Technical Implementation Body shall monitor the technical and functional aspects of implementing the eTIR procedure, as well as coordinate and foster the exchange of information on matters falling within its competence.
4. The Technical Implementation Body shall, at its first session, adopt its rules of procedure and submit them to the Administrative Committee for endorsement by the Contracting Parties bound by Annex 11.

Article 5

Adoption and amendment procedures for the eTIR specifications

The Technical Implementation Body shall:

- (a) adopt the technical specifications of the eTIR procedure, and amendments thereto, to ensure their alignment with the functional specifications of the eTIR procedure. At the time of adoption, it shall decide on the appropriate transitional period for their implementation.
- (b) prepare the functional specifications of the eTIR procedure, and amendments thereto, to ensure their alignment with the conceptual specifications of the eTIR procedure. They shall be transmitted to the Administrative Committee for adoption by a majority of Contracting Parties bound by Annex 11 present and voting as well as implemented and, when required, developed into technical specifications at a date to be determined at the time of adoption.
- (c) consider amendments to the conceptual specifications of the eTIR procedure if so requested by the Administrative Committee. The conceptual specifications of the eTIR procedure, and amendments thereto, shall be adopted by a majority of Contracting Parties bound by Annex 11 present and voting as well as implemented and, when required, developed into functional specification at a date to be determined at the time of adoption.

Article 6

Submission of advance TIR data and advance amendment data

1. Advance TIR data and advance amendment data shall be submitted by the holder, or his or her representative, to the competent authorities of the country of departure and of the country in which an amendment to the declaration data is requested. Once the declaration, or the amendment, has been accepted in line with national law, the competent authorities shall forward the declaration data, or the amendment thereto, to the eTIR international system.

2. Advance TIR data and advance amendment data mentioned in paragraph 1 may be submitted either directly to the competent authorities or via the eTIR international system.

3. Contracting Parties bound by Annex 11 shall accept the submission of advance TIR data and advance amendment data via the eTIR international system.

Explanatory Note to Article 6, paragraph 3

11.6.3 Contracting Parties bound by Annex 11 are recommended to recognize, in as far as possible, the submission of advance TIR data and advance amendment data by the methods indicated in the functional and technical specifications.

4. The competent authorities shall publish the list of all electronic means by which advance TIR data and advance amendment data can be submitted.

Article 7
Authentication

1. While accepting the declaration in the country of departure or an amendment to the declaration data in any country along the itinerary, competent authorities shall authenticate the advance TIR data, or the advance amendment data, and the holder, in accordance with national law.

2. Contracting Parties bound by Annex 11 shall accept the authentication of the holder performed by the eTIR international system.

Explanatory Note to Article 7, paragraph 2

11.7.2 The eTIR international system ensures, by means described in the eTIR specifications, the integrity of the advance TIR data, or the advance amendment data, and that the data were sent by the holder.

3. The competent authorities shall publish a list of authentication mechanisms other than that specified in paragraph 2 of the present Article that may be used for authentication.

4. Contracting Parties bound by Annex 11 shall accept the declaration data received from the competent authorities of the country of departure and of the country in which an amendment to the declaration data is requested via the eTIR international system as the legal equivalent to an accepted TIR Carnet.

Explanatory Note to Article 7, paragraph 4

11.7.4 The eTIR international system ensures, by means described in the eTIR specifications, the integrity of the declaration data and that the data were sent by the competent authorities of the countries involved in the transport.

Article 8
Mutual recognition of the authentication of the holder

The authentication of the holder performed by the competent authorities of the Contracting Parties bound by Annex 11 which accept the declaration, or changes to the declaration data, shall be recognized by the competent authorities of all subsequent Contracting Parties bound by Annex 11 throughout the TIR transport.

Explanatory Note to Article 8

11.8 The eTIR international system ensures, by means described in the eTIR specifications, the integrity of the declaration data, including the reference to the holder, authenticated by the competent authorities that accept the declaration, received from and transmitted to competent authorities.

Article 9
Additional data requirements

1. In addition to the data specified in the functional and technical specifications, competent authorities may request additional data stipulated by national legislation.

2. Competent authorities should, to the extent possible, limit data requirements to those contained in the functional and technical specifications and endeavour to facilitate the submission of additional data so as not to impede TIR transports carried out in accordance with this Annex.

Article 10
Fallback procedure

1. Where the eTIR procedure cannot be started for technical reasons at the customs office of departure, the TIR Carnet holder may revert to the TIR procedure.
2. Where an eTIR procedure has started but its continuation is impeded for technical reasons, the competent authorities shall accept the accompanying document and process it in line with the procedure described in the eTIR specifications, subject to the availability of additional information from alternative electronic systems as described in the functional and technical specifications.
3. The competent authorities of Contracting Parties are also entitled to request national guaranteeing associations to confirm that the guarantee is valid, that a TIR transport is carried out under the eTIR procedure and provide other information relevant to the TIR transport.
4. The procedure described in paragraph 3 shall be established in the agreement between the competent authorities and the national guaranteeing association, as stipulated by Annex 9, Part I, paragraph 1 (d).

Article 11
Hosting of the eTIR international system

1. The eTIR international system shall be hosted and administered under the auspices of the United Nations Economic Commission for Europe (ECE).
2. ECE shall assist countries in connecting their customs systems to the eTIR international system, including by means of conformance tests to ensure their proper functioning prior to the operational connection.
3. The necessary resources shall be made available to ECE to fulfil the obligations set forth in paragraphs 1 and 2 of this Article. Unless the eTIR international system is financed by resources from the United Nations regular budget, the required resources shall be subject to the financial rules and regulations for extrabudgetary funds and projects of the United Nations. The financing mechanism for the operation of the eTIR international system at ECE shall be decided on and approved by the Administrative Committee.

Explanatory Note to Article 11, paragraph 3

- 11.11.3 If necessary, Contracting Parties may decide to finance the operational costs of the eTIR international system through an amount per TIR transport. In such cases, Contracting Parties shall decide on the appropriate time to introduce alternative financing mechanisms and on their modalities. The required budget shall be prepared by ECE, reviewed by the Technical Implementation Body and approved by the Administrative Committee.

Article 12
Administration of the eTIR international system

1. ECE shall make the appropriate arrangements for the storage and archiving of the data in the eTIR international system for a minimum period of 10 years.
2. All data stored in the eTIR international system may be used by ECE on behalf of the competent bodies of this Convention for the purpose of extracting aggregated statistics.
3. The competent authorities of Contracting Parties in whose territory a TIR transport is carried out under the eTIR procedure which becomes the subject of administrative or legal proceedings concerning the payment obligation of the person or persons directly liable or of the national guaranteeing association, may request ECE

and obtain information stored in the eTIR international system pertaining to the claim in dispute for verification purposes. This information may be produced as evidence in national administrative or legal proceedings.

4. In cases other than those specified in this Article, the dissemination or disclosure of information stored in the eTIR international system to non-authorized persons or entities shall be prohibited.

Article 13

Publication of the customs offices capable of handling eTIR

The competent authorities shall ensure that the list of customs offices of departure, customs offices en route and customs offices of destination approved for accomplishing TIR operations under the eTIR procedure, is at all times accurate and updated in the electronic database for approved customs offices, developed and maintained by the TIR Executive Board.

Article 14

Legal requirements for data submission under Annex 10 of the TIR Convention

The legal requirements for data submission, as set out in Annex 10, paragraph 1, 3 and 4 of this Convention, are deemed to be fulfilled by implementing the eTIR procedure.

Texte de synthèse du projet de cadre juridique de la procédure eTIR

A. Amendements à la Convention TIR

1. Article premier, nouveau paragraphe s)

s) Par « procédure eTIR », le régime TIR mis en œuvre au moyen d'un échange électronique de données qui constitue l'équivalent fonctionnel du Carnet TIR. Étant entendu que les dispositions de la Convention TIR s'appliquent, les dispositions propres à la procédure eTIR sont énoncées à l'annexe 11.

1bis. Article 3 b)

b) Les transports doivent avoir lieu sous la garantie d'associations agréées conformément aux dispositions de l'article 6 et doivent être effectués sous le couvert d'un Carnet TIR conforme au modèle reproduit à l'annexe 1 de la présente Convention, ou au moyen de la procédure eTIR.

2. Article 43

Les notes explicatives figurant aux annexes 6, 7, troisième partie et 11, deuxième partie donnent l'interprétation de certaines dispositions de la présente Convention et de ses annexes. Elles reprennent également certaines pratiques recommandées.

3. Nouvel article 58 *quater*

Organe de mise en œuvre technique

Un organe de mise en œuvre technique doit être établi. Sa composition, ses fonctions et son règlement intérieur sont précisés à l'annexe 11.

4. Article 59

1. La présente Convention y compris ses annexes pourra être modifiée sur proposition d'une Partie contractante suivant la procédure prévue dans le présent article.

2. Sauf dispositions contraires énoncées dans l'article 60 *bis*, tout amendement proposé à la présente Convention sera examiné par le Comité de gestion composé de toutes les Parties contractantes conformément au Règlement intérieur faisant l'objet de l'annexe 8. Tout amendement de cette nature examiné ou élaboré au cours de la réunion du Comité de gestion et adopté par le Comité à la majorité des deux tiers de ses membres présents et votants sera communiqué par le Secrétaire général de l'Organisation des Nations Unies aux Parties contractantes pour acceptation.

3. Sous réserve des dispositions des articles 60 et 60 *bis*, tout amendement proposé communiqué en application du paragraphe précédent entre en vigueur pour toutes les Parties contractantes trois mois après l'expiration d'une période de douze mois suivant la date à laquelle la communication de l'amendement a été faite, si pendant cette période aucune objection à l'amendement proposé n'a été notifiée au Secrétaire général de l'Organisation des Nations Unies par un État qui est Partie contractante.

4. Si une objection à l'amendement proposé a été notifiée conformément aux dispositions du paragraphe 3 du présent article, l'amendement sera réputé ne pas avoir été accepté et n'aura aucun effet.

5. Nouvel article 60 *bis*

Procédure spéciale aux fins de l'entrée en vigueur de l'annexe 11 et des amendements y relatifs

1. L'annexe 11, considérée conformément aux dispositions des paragraphes 1 et 2 de l'article 59, entrera en vigueur pour toutes les Parties contractantes trois mois après l'expiration d'une période de douze mois suivant la date de la communication faite par le Secrétaire général de l'Organisation des Nations Unies aux Parties contractantes, sauf pour les Parties contractantes qui pendant cette période de trois mois auraient notifié par écrit au Secrétaire général qu'elles n'acceptaient pas ladite annexe. En ce qui concerne les Parties qui retireraient cette notification de non-acceptation, l'annexe 11 entrera en vigueur six mois après la date de réception par le dépositaire de la notification dudit retrait.
2. Toute proposition d'amendement à l'annexe 11 doit être examinée par le Comité de gestion. Ces amendements doivent être adoptés à la majorité des Parties contractantes liées par les dispositions de ladite annexe présentes et votantes.
3. Les amendements à l'annexe 11 examinés et adoptés selon les dispositions du paragraphe 2 du présent article doivent être communiqués par le Secrétaire général de l'Organisation des Nations Unies à toutes les Parties contractantes pour information, ou aux Parties contractantes liées par les dispositions de ladite annexe pour acceptation.
4. La date d'entrée en vigueur de ces amendements doit être fixée, au moment de leur adoption, à la majorité des Parties contractantes liées par les dispositions de l'annexe 11 présentes et votantes.
5. Les amendements entrent en vigueur conformément au paragraphe 4 du présent article, à moins qu'à une date antérieure fixée au moment de l'adoption, un cinquième ou cinq des États qui sont des Parties contractantes liées par les dispositions de l'annexe 11, si ce chiffre est inférieur, aient notifié au Secrétaire général de l'Organisation des Nations Unies qu'ils élèvent des objections contre l'amendement.
6. À son entrée en vigueur, un amendement adopté conformément à la procédure prévue aux paragraphes 2 à 5 du présent article remplacera, pour toutes les Parties contractantes liées par les dispositions de l'annexe 11, toute disposition précédente à laquelle il se rapporte.

6. Article 61

Le Secrétaire général de l'Organisation des Nations Unies informera toutes les Parties contractantes et tous les États visés au premier paragraphe de l'article 52 de la présente Convention de toute demande, communication ou objection faite en vertu des articles 59, 60 et 60 *bis* ci-dessus et de la date d'entrée en vigueur d'un amendement.

7. Annexe 9, première partie, paragraphe 3, nouvel alinéa xi)

xi) Confirmer, dans le cas de la procédure de secours telle que décrite au paragraphe 2 de l'article 10 de l'annexe 11, pour les Parties contractantes liées par les dispositions de ladite annexe, à la demande des autorités compétentes, que la garantie est valide et qu'un transport TIR est effectué conformément à la procédure eTIR, et fournir d'autres renseignements concernant le transport TIR.

B. Annexe 11 – La procédure eTIR

1. Première partie

Article premier Champ d'application

1. Les dispositions de la présente annexe régissent la mise en œuvre de la procédure eTIR telle qu'elle est définie au paragraphe s) de l'article premier de la Convention et

s'appliquent aux relations entre les Parties contractantes liées par les dispositions de cette annexe, conformément aux dispositions du premier paragraphe de l'article 60 *bis*.

2. La procédure eTIR ne peut être appliquée pour les transports effectués en partie sur le territoire d'une Partie contractante qui n'est pas liée par les dispositions de l'annexe 11 et qui est membre d'une union douanière ou économique ayant un territoire douanier unique.

Article 2 Définitions

Aux fins de la présente annexe :

- a) Par « système international eTIR », on entend le système informatique conçu pour permettre l'échange électronique de données entre les acteurs de la procédure eTIR ;
- b) Par « spécifications eTIR », on entend les spécifications conceptuelles, fonctionnelles et techniques de la procédure eTIR telles qu'adoptées et amendées conformément aux dispositions de l'article 5 de la présente annexe ;
- c) Par « renseignements anticipés TIR », on entend les renseignements communiqués aux autorités compétentes du pays de départ, conformément aux spécifications eTIR, qui indiquent l'intention du titulaire de placer des marchandises sous la procédure eTIR ;
- d) Par « renseignements anticipés rectifiés », on entend les renseignements communiqués aux autorités compétentes du pays dans lequel une rectification des données de la déclaration est demandée, conformément aux spécifications eTIR, qui indiquent l'intention du titulaire de rectifier les données de sa déclaration ;
- e) Par « données de la déclaration », on entend les renseignements anticipés TIR et les renseignements anticipés rectifiés qui ont été acceptés par les autorités compétentes ;
- f) Par « déclaration », on entend l'acte par lequel le titulaire, ou son représentant, exprime, conformément aux spécifications eTIR, son intention de placer des marchandises sous la procédure eTIR. Dès lors que la déclaration a été acceptée par les autorités compétentes, sur la base des renseignements anticipés TIR ou des renseignements anticipés rectifiés, et que les données correspondantes ont été transférées dans le système international eTIR, elle constitue l'équivalent juridique d'un Carnet TIR accepté ;
- g) Par « document d'accompagnement », on entend le document imprimé généré électroniquement par le système douanier, après l'acceptation de la déclaration, conformément aux directives énoncées dans les spécifications techniques eTIR. Le document d'accompagnement peut être utilisé pour signaler les incidents survenus en cours de route et il remplace le procès-verbal de constat conformément aux dispositions de l'article 25 de la présente Convention. Il est également utilisé dans le cadre de la procédure de secours ;
- h) Par « authentification », on entend un processus électronique qui permet de confirmer l'identification électronique d'une personne physique ou morale, ou l'origine et l'intégrité d'une donnée sous forme électronique ;

Notes explicatives à l'article 2 h)

- 11.2 h)-1 Jusqu'à ce qu'une approche harmonisée soit établie et décrite dans les spécifications eTIR, les Parties contractantes liées par les dispositions de l'annexe 11 peuvent authentifier le titulaire par tout moyen prévu dans leur législation nationale, notamment l'identifiant et le mot de passe, ou la signature électronique.
- 11.2. h)-2 L'intégrité des données échangées entre le système international eTIR et les autorités compétentes et l'authentification des systèmes informatiques seront assurées au moyen de connexions sûres, telles que définies dans les spécifications techniques eTIR.

Article 3

Mise en œuvre de la procédure eTIR

1. Les Parties contractantes liées par les dispositions de l'annexe 11 doivent connecter leurs systèmes douaniers au système international eTIR conformément aux spécifications eTIR.
2. Chaque Partie contractante est libre de choisir la date à laquelle elle connectera ses systèmes douaniers au système international eTIR. Cette date de connexion doit être communiquée à toutes les autres Parties contractantes liées par les dispositions de l'annexe 11 au moins six mois à l'avance.

Note explicative au paragraphe 2 de l'article 3

- 11.3.2 Il est recommandé à chaque Partie contractante liée par les dispositions de l'annexe 11 d'actualiser son système douanier national et d'assurer sa connexion au système international eTIR dès que l'annexe 11 entre en vigueur pour elle. Les unions douanières ou économiques peuvent convenir d'une date ultérieure, ce qui leur laisse le temps de connecter les systèmes douaniers nationaux de tous leurs États membres au système international eTIR.

Article 4

Composition, fonctions et Règlement intérieur de l'Organe de mise en œuvre technique

1. Les Parties contractantes liées par les dispositions de l'annexe 11 sont membres de l'Organe de mise en œuvre technique. Les sessions de cet organe sont convoquées à intervalles réguliers ou à la demande du Comité de gestion pour assurer la tenue à jour des spécifications eTIR. Le Comité de gestion doit être régulièrement informé des activités et des avis de l'Organe de mise en œuvre technique.
2. Les Parties contractantes qui n'ont pas accepté l'annexe 11 conformément aux dispositions du premier paragraphe de l'article 60 *bis*, ou des représentants d'organisations internationales, peuvent assister aux sessions de l'Organe de mise en œuvre technique en qualité d'observateurs.
3. L'Organe de mise en œuvre technique doit surveiller les aspects techniques et fonctionnels de la mise en œuvre de la procédure eTIR, et coordonner et encourager l'échange d'informations sur les questions relevant de sa compétence.
4. L'Organe de mise en œuvre technique adoptera son règlement intérieur à sa première session et le soumettra au Comité de gestion pour approbation par les Parties contractantes liées par les dispositions de l'annexe 11.

Article 5

Procédures d'adoption et d'amendement des spécifications eTIR

L'Organe de mise en œuvre technique :

- a) Adopte les spécifications techniques de la procédure eTIR, ainsi que les amendements qui doivent y être apportés, en veillant à assurer leur conformité avec les spécifications fonctionnelles de la procédure eTIR. Au moment de l'adoption, il détermine la durée de la période transitoire qui convient pour leur mise en œuvre ;
- b) Élabore les spécifications fonctionnelles de la procédure eTIR, ainsi que les amendements qui doivent y être apportés, en veillant à assurer leur conformité avec les spécifications conceptuelles de la procédure eTIR. Ces textes sont transmis au Comité de gestion pour adoption à la majorité des Parties contractantes liées par les dispositions de l'annexe 11 présentes et votantes, mis en œuvre et, si nécessaire, traduits en spécifications techniques à une date qui est déterminée au moment de l'adoption ;
- c) Examine les amendements à apporter aux spécifications conceptuelles de la procédure eTIR si le Comité de gestion le lui demande. Les spécifications conceptuelles de la procédure eTIR et les amendements y relatifs sont adoptés à la majorité des Parties contractantes liées par l'annexe 11 présentes et votantes, mis en œuvre et, si

nécessaire, traduits en spécifications fonctionnelles à une date qui est déterminée lors de l'adoption.

Article 6

Communication des renseignements anticipés TIR et des renseignements anticipés rectifiés

1. Les renseignements anticipés TIR et les renseignements anticipés rectifiés doivent être communiqués par le titulaire, ou par son représentant, aux autorités compétentes du pays de départ et du pays dans lequel une rectification des données de la déclaration est demandée. Une fois que la déclaration ou la rectification a été acceptée conformément à la législation nationale, les autorités compétentes doivent transmettre les données de la déclaration, ou la rectification qui y a été apportée, au système international eTIR.
2. Les renseignements anticipés TIR et les renseignements anticipés rectifiés mentionnés au paragraphe 1 peuvent être communiqués aux autorités compétentes directement, ou par le système international eTIR.
3. Les Parties contractantes liées par les dispositions de l'annexe 11 doivent accepter le dépôt de renseignements anticipés TIR et de renseignements anticipés rectifiés via le système international eTIR.

Note explicative au paragraphe 3 de l'article 6

- 11.6.3 Il est recommandé aux Parties contractantes liées par les dispositions de l'annexe 11 de permettre dans la mesure du possible la communication de renseignements anticipés TIR et de renseignements anticipés rectifiés selon les méthodes indiquées dans les spécifications fonctionnelles et techniques.
4. Les autorités compétentes doivent publier la liste de tous les moyens électroniques par lesquels les renseignements anticipés TIR et les renseignements anticipés rectifiés peuvent être communiqués.

Article 7

Authentification

1. Lorsqu'elles s'apprêtent à accepter une déclaration dans le pays de départ ou une rectification des données de la déclaration dans un pays situé le long de l'itinéraire, les autorités compétentes doivent authentifier les renseignements anticipés TIR, ou les renseignements anticipés rectifiés, et le titulaire, conformément à la législation nationale.
2. Les Parties contractantes liées par les dispositions de l'annexe 11 doivent accepter l'authentification du titulaire effectuée par le système international eTIR.

Note explicative au paragraphe 2 de l'article 7

- 11.7.2 Le système international eTIR permet de s'assurer, par les moyens décrits dans les spécifications eTIR, que les renseignements anticipés TIR ou les renseignements anticipés rectifiés n'ont pas été altérés et que les données ont été envoyées par le titulaire.
3. Les autorités compétentes doivent publier une liste des mécanismes d'authentification autres que ceux qui sont spécifiés au paragraphe 2 du présent article qui peuvent être utilisés pour l'authentification.
 4. Les Parties contractantes liées par les dispositions de l'annexe 11 doivent accepter les données de la déclaration reçues des autorités compétentes du pays de départ, et de celles du pays dans lequel une rectification des données de la déclaration a été demandée, communiquées via le système international eTIR, en tant qu'équivalent juridique d'un Carnet TIR accepté.

Note explicative au paragraphe 4 de l'article 7

- 11.7.4 Le système international eTIR permet de s'assurer, par les moyens décrits dans les spécifications eTIR, que les données de la déclaration n'ont pas été altérées

et qu'elles ont été envoyées par les autorités compétentes des pays concernés par le transport.

Article 8

Reconnaissance mutuelle de l'authentification du titulaire

L'authentification du titulaire réalisée par les autorités compétentes des Parties contractantes liées par les dispositions de l'annexe 11 qui acceptent la déclaration ou la rectification des données de la déclaration doit être reconnue par les autorités compétentes de toutes les Parties contractantes subséquentes liées par les dispositions de ladite annexe tout au long du transport TIR.

Note explicative à l'article 8

11.8 Le système international eTIR permet de s'assurer, par les moyens décrits dans les spécifications eTIR, de l'intégrité des données de la déclaration, y compris la référence au titulaire, authentifiées par les autorités compétentes qui acceptent la déclaration, reçues d'autorités compétentes et transmises à des autorités compétentes.

Article 9

Données supplémentaires à fournir

1. Outre les données mentionnées dans les spécifications fonctionnelles et techniques, les autorités compétentes peuvent exiger des données supplémentaires conformément à la législation nationale.

2. Les autorités compétentes devraient autant que possible limiter les exigences en matière de données à celles énoncées dans les spécifications fonctionnelles et techniques et s'efforcer de faciliter la communication des données supplémentaires de manière à ne pas entraver les transports TIR effectués conformément aux dispositions de la présente annexe.

Article 10

Procédure de secours

1. Lorsque la procédure eTIR ne peut être engagée, pour des raisons techniques, au bureau de douane de départ, le titulaire du Carnet TIR peut revenir au régime TIR.

2. Lorsque la poursuite de la procédure eTIR engagée est entravée pour des raisons techniques, les autorités compétentes doivent accepter le document d'accompagnement et le traiter conformément à la procédure décrite dans les spécifications eTIR, sous réserve de la disponibilité de renseignements supplémentaires provenant d'autres systèmes électroniques, comme énoncé dans les spécifications fonctionnelles et techniques.

3. Les autorités compétentes des Parties contractantes sont également en droit de demander aux associations garantes nationales de confirmer que la garantie est valide et qu'un transport TIR est effectué conformément à la procédure eTIR, et de fournir d'autres renseignements concernant le transport TIR.

4. La procédure décrite au paragraphe 3 doit être établie dans l'accord conclu entre les autorités compétentes et l'association garante nationale, conformément à l'alinéa d) du paragraphe 1 dans la première partie de l'annexe 9.

Article 11

Hébergement du système international eTIR

1. Le système international eTIR est hébergé et administré sous les auspices de la Commission économique des Nations Unies pour l'Europe (CEE-ONU).

2. La CEE-ONU aide les pays à connecter leurs systèmes douaniers au système international eTIR, y compris au moyen de tests de conformité visant à garantir leur fonctionnement correct avant la connexion opérationnelle.

3. Les ressources nécessaires sont mises à la disposition de la CEE-ONU de sorte que celle-ci soit à même de s'acquitter des obligations qui découlent des dispositions des

paragraphe 1 et 2 du présent article. À moins que le système international eTIR ne soit financé au moyen de ressources issues du budget ordinaire de l'Organisation des Nations Unies, les ressources nécessaires sont régies par les dispositions du Règlement financier et des règles de gestion financière de l'ONU concernant les fonds et projets extrabudgétaires. Le mécanisme de financement du système international eTIR, qui relève de la CEE-ONU, est défini et approuvé par le Comité de gestion.

Note explicative au paragraphe 3 de l'article 11

11.11.3 Si nécessaire, les Parties contractantes peuvent décider de financer les dépenses opérationnelles liées au système international eTIR au moyen d'une contribution sur les transports TIR. En pareil cas, les Parties contractantes choisissent le moment auquel il convient de mettre en place d'autres mécanismes de financement, ainsi que les modalités correspondantes. Le budget requis doit être établi par la CEE-ONU, examiné par l'Organe de mise en œuvre technique et approuvé par le Comité de gestion.

Article 12

Administration du système international eTIR

1. La CEE-ONU prend les dispositions appropriées pour assurer le stockage et l'archivage des données dans le système international eTIR pendant une période minimale de 10 ans.
2. Toutes les données conservées dans le système international eTIR peuvent être utilisées par la CEE-ONU au nom des organes compétents de la présente Convention dans le but d'en tirer des statistiques agrégées.
3. Les autorités compétentes des Parties contractantes sur le territoire desquelles un transport TIR effectué sous la procédure eTIR fait l'objet d'une procédure administrative ou judiciaire concernant l'obligation de paiement incombant à la ou aux personnes directement responsables ou à l'association garante nationale peuvent demander à la CEE-ONU de fournir des renseignements relatifs au différend conservés dans le système international eTIR, à des fins de vérification. Ces renseignements peuvent être présentés en tant qu'éléments de preuve dans une procédure administrative ou judiciaire nationale.
4. Dans les cas autres que ceux visés dans le présent article, la diffusion ou la communication à des personnes ou entités non autorisées de renseignements conservés dans le système international eTIR est interdite.

Article 13

Publication de la liste des bureaux de douane capables d'utiliser le système eTIR

Les autorités compétentes doivent veiller à ce que la liste des bureaux de douane de départ, des bureaux de douane en route et des bureaux de douane de destination autorisés à réaliser les opérations TIR dans le cadre de la procédure eTIR soit à tout moment exacte et actualisée dans la base de données électronique des bureaux de douane autorisés créée et gérée par la Commission de contrôle TIR.

Article 14

Prescriptions juridiques relatives à la communication des données au titre de l'annexe 10 de la Convention TIR

Les prescriptions juridiques relatives à la communication des données qui sont énoncées dans les paragraphes 1, 3 et 4 de l'annexe 10 de la présente Convention sont réputées satisfaites si la procédure eTIR est appliquée.

Сводный проект правовых рамок eTIR

A. Поправки к Конвенции МДП

1. Статья 1, новый пункт s)

s) Термин «процедура eTIR» означает процедуру МДП, осуществляемую посредством электронного обмена данными, которая служит функциональным эквивалентом книжки МДП. В то время как применяются положения Конвенции МДП, особенности процедуры eTIR приводятся в приложении 11.

1-бис. Статья 3 b)

b) перевозки гарантируются объединениями, которые наделены полномочиями согласно положениям статьи 6. Они должны производиться с применением книжки МДП, соответствующей образцу, приведенному в приложении 1 к настоящей Конвенции, либо выполняться в соответствии с процедурой eTIR.

2. Статья 43

В пояснительных записках, приведенных в приложении 6, в части III приложения 7 и в части II приложения 11, дается толкование некоторых положений настоящей Конвенции и приложений к ней. В них описаны также некоторые виды рекомендуемой практики.

3. Новая статья 58-кватор

Технический орган по осуществлению

Учреждается Технический орган по осуществлению. Его состав, функции и правила процедуры изложены в приложении 11.

4. Статья 59

1. Поправки в настоящую Конвенцию, в том числе в приложения к ней, могут вноситься по предложению любой Договаривающейся стороны в соответствии с процедурой, установленной в настоящей статье.

2. За исключением случаев, предусмотренных в статье 60-бис, любая предложенная поправка к настоящей Конвенции рассматривается Административным комитетом, состоящим из всех Договаривающихся сторон, в соответствии с правилами процедуры, изложенными в приложении 8. Любая такая поправка, рассмотренная или разработанная на сессии Административного комитета и одобренная Комитетом большинством в две трети присутствующих и голосующих членов, направляется Генеральным секретарем Организации Объединенных Наций Договаривающимся сторонам для принятия.

3. За исключением случаев, предусмотренных в статьях 60 и 60-бис, любая поправка, разосланная в соответствии с предыдущим пунктом, вступает в силу для всех Договаривающихся сторон через три месяца по истечении двенадцатимесячного периода после даты сообщения о предлагаемой поправке, если в течение этого срока Генеральный секретарь Организации Объединенных Наций не получил от какого-либо государства, являющегося Договаривающейся стороной, никаких возражений против предложенной поправки.

4. В случае возражения против предложенной поправки, представленного в соответствии с положениями пункта 3 настоящей статьи, поправка считается непринятой и в связи с ней не принимается никаких мер.

5. Новая статья 60-бис

Специальная процедура вступления в силу приложения 11 и поправок к нему

1. Приложение 11, рассматриваемое в соответствии с пунктами 1 и 2 статьи 59, вступает в силу для всех Договаривающихся сторон через три месяца по истечении двенадцатимесячного периода после даты уведомления Генеральным секретарем Организации Объединенных Наций Договаривающихся сторон, за исключением тех Договаривающихся сторон, которые уведомили Генерального секретаря в письменном виде в течение вышеупомянутого периода в три месяца о своем непринятии приложения 11. Приложение 11 вступает в силу для Договаривающихся сторон, которые отзывают свое уведомление о непринятии, через шесть месяцев после даты получения депозитарием сообщения об отзыве такого уведомления.

2. Любая предложенная поправка к приложению 11 рассматривается Административным комитетом. Такие поправки утверждаются большинством присутствующих и участвующих в голосовании Договаривающихся сторон, связанных приложением 11.

3. Поправки к приложению 11, рассмотренные и утвержденные в соответствии с пунктом 2 настоящей статьи, направляются Генеральным секретарем Организации Объединенных Наций всем Договаривающимся сторонам для информации либо – в случае Договаривающихся сторон, связанных приложением 11, – для принятия.

4. Дата вступления в силу таких поправок определяется на момент их утверждения большинством присутствующих и участвующих в голосовании Договаривающихся сторон, связанных приложением 11.

5. Поправки вступают в силу в соответствии с пунктом 4 настоящей статьи, если только до более ранней даты, установленной на момент утверждения, одна пятая или пять государств, являющихся Договаривающимися сторонами, связанными приложением 11, в зависимости от того, что меньше, не уведомляют Генерального секретаря о том, что они возражают против поправок.

6. При вступлении в силу любая поправка, принятая в соответствии с процедурами, изложенными в пунктах 2–5 настоящей статьи, для всех Договаривающихся сторон, связанных приложением 11, заменяет и отменяет все предыдущие положения, к которым относится эта поправка.

6. Статья 61

Генеральный секретарь Организации Объединенных Наций информирует все Договаривающиеся стороны и все государства, упомянутые в пункте 1 статьи 52 настоящей Конвенции, о любых просьбах, сообщениях или возражениях в соответствии со статьями 59, 60 и 60-бис выше, а также о дате вступления в силу любой поправки.

7. Приложение 9, часть I, пункт 3, новый подпункт xi)

xi) по запросу компетентных органов подтверждать, для Договаривающихся сторон, связанных приложением 11, в случае резервной процедуры, описанной в пункте 2 статьи 10 приложения 11, действительность гарантии и то, что перевозка МДП осуществляется в соответствии с процедурой eTIR, и представлять другую информацию, имеющую отношение к перевозке МДП.

В. Приложение 11 – Процедура eTIR

1. Часть I

Статья 1

Область применения

1. Положения настоящего приложения регулируют осуществление процедуры eTIR, определение которой содержится в пункте s) статьи 1 Конвенции, и применяются в отношениях между Договаривающимися сторонами, связанными настоящим приложением, как это предусмотрено в пункте 1 статьи 60-бис.
2. Процедура eTIR не может использоваться для перевозок, осуществляемых частично на территории Договаривающейся стороны, которая не связана приложением 11 и является государством – членом таможенного или экономического союза с единой таможенной территорией.

Статья 2

Определения

Для целей настоящего приложения:

- a) Термин «международная система eTIR» означает информационно-коммуникационную технологическую (ИКТ) систему, разработанную для обмена электронной информацией между сторонами, участвующими в процедуре eTIR.
- b) Термин «спецификации eTIR» означает концептуальные, функциональные и технические спецификации процедуры eTIR, принятые или измененные в соответствии с положениями статьи 5 настоящего приложения.
- c) Термин «предварительные данные МДП» означает данные, представленные компетентным органам страны отправления, в соответствии со спецификациями eTIR, в связи с намерением держателя поместить грузы под процедуру eTIR.
- d) Термин «предварительные данные об изменениях» означает данные, представленные компетентным органам страны, в которой запрашивается изменение данных декларации, в соответствии со спецификациями eTIR в связи с намерением держателя изменить данные декларации.
- e) Термин «данные декларации» означает предварительные данные МДП и предварительные данные об изменениях, которые были приняты компетентными органами.
- f) Термин «декларация» означает акт, посредством которого держатель книжки МДП либо его/ее представитель сообщает в соответствии со спецификациями eTIR о своем намерении поместить груз под процедуру eTIR. С момента принятия декларации компетентными органами – на основе предварительных данных МДП или предварительных данных об изменениях – и передачи данных декларации в международную систему eTIR она представляет собой юридический эквивалент принятой книжки МДП.
- g) Термин «сопроводительный документ» означает распечатанный документ, составленный таможенной системой в электронном виде после принятия декларации в соответствии с руководящими принципами, содержащимися в технических спецификациях eTIR. Сопроводительный документ может использоваться для регистрации инцидентов по маршруту следования и заменяет собой протокол в соответствии со статьей 25 настоящей Конвенции, а также для резервной процедуры.

h) Термин «аутентификация» означает электронный процесс, обеспечивающий электронную идентификацию физического или юридического лица или происхождение и целостность данных в электронной форме, подлежащих подтверждению.

Пояснительные записки к статье 2 h)

11.2 h)-1 До тех пор пока не будет установлен согласованный подход, описанный в спецификациях eTIR, Договаривающиеся стороны, связанные приложением 11, могут аутентифицировать держателя книжки МДП с помощью любого процесса, предусмотренного в их национальном законодательстве, включая, в частности, имя пользователя/пароль или электронные подписи.

11.2. h)-2 Целостность данных, которыми обмениваются международная система eTIR и компетентные органы, а также аутентификация информационно-коммуникационных технологических систем (ИКТ) будут осуществляться посредством безопасных соединений, как это определено в технических спецификациях eTIR.

Статья 3

Осуществление процедуры eTIR

1. Договаривающиеся стороны, связанные приложением 11, подключают свои таможенные системы к международной системе eTIR в соответствии со спецификациями eTIR.

2. Каждая Договаривающаяся сторона имеет возможность установить для себя дату, до которой она подключает свои таможенные системы к международной системе eTIR. Дата подключения сообщается всем другим Договаривающимся сторонам, связанным приложением 11, по крайней мере за шесть месяцев до фактической даты подключения.

Пояснительная записка к пункту 2 статьи 3

11.3.2 Договаривающимся сторонам, связанным приложением 11, рекомендуется обновить свою национальную таможенную систему и обеспечить ее связь с международной системой eTIR, как только приложение 11 вступит для них в силу. Таможенные или экономические союзы могут назначить более позднюю дату, что даст им время подключить национальные таможенные системы всех своих государств-членов к международной системе eTIR.

Статья 4

Состав, функции и правила процедуры Технического органа по осуществлению

1. Членами Технического органа по осуществлению являются Договаривающиеся стороны, связанные приложением 11. Его сессии созываются на регулярной основе или по просьбе Административного комитета в зависимости от потребностей в обеспечении соблюдения спецификаций eTIR. Административному комитету регулярно предоставляется информация о деятельности и соображениях Технического органа по осуществлению.

2. Договаривающиеся стороны, которые не приняли приложение 11, как это предусмотрено в пункте 1 статьи 60-бис, и представители международных организаций могут присутствовать на сессиях Технического органа по осуществлению в качестве наблюдателей.

3. Технический орган по осуществлению занимается мониторингом технических и функциональных аспектов осуществления процедуры eTIR, а также координирует обмен информацией по вопросам, входящим в его компетенцию, и содействует его развитию.

4. Технический орган по осуществлению на своей первой сессии утверждает свои правила процедуры и представляет их Административному комитету для одобрения Договаривающимися сторонами, связанными положениями приложения 11.

Статья 5

Принятие и порядок изменения спецификаций eTIR

Технический орган по осуществлению:

- a) принимает технические спецификации процедуры eTIR и поправки к ним для обеспечения их соответствия функциональным спецификациям процедуры eTIR. В момент их принятия он выносит решение о соответствующем переходном периоде для их реализации;
- b) готовит функциональные спецификации процедуры eTIR и поправки к ней для обеспечения их соответствия концептуальным спецификациям процедуры eTIR. Они препровождаются Административному комитету для принятия большинством присутствующих и участвующих в голосовании Договаривающихся сторон, связанных приложением 11, а также внедряются и в случае необходимости преобразуются в технические спецификации по состоянию на дату, которая будет определена во время принятия;
- c) по поручению Административного комитета рассматривает поправки к концептуальным спецификациям процедуры eTIR. Концептуальные спецификации процедуры eTIR и поправки к ней принимаются большинством присутствующих и участвующих в голосовании Договаривающихся сторон, связанных приложением 11, а также внедряются и в случае необходимости преобразуются в функциональные спецификации по состоянию на дату, которая будет определена во время принятия.

Статья 6

Представление предварительных данных МДП и предварительных данных об изменениях

1. Предварительные данные МДП и предварительные данные об изменениях направляются держателем книжки МДП или его/ее представителем компетентным органам страны отправления и страны, в которой запрашивается изменение данных декларации. После принятия – в соответствии с национальным законодательством – декларации или изменения компетентные органы направляют данные декларации или изменения к ним в международную систему eTIR.
2. Предварительные данные МДП и предварительные данные об изменениях, упомянутые в пункте 1, могут направляться либо непосредственно компетентным органам, либо через международную систему eTIR.
3. Договаривающиеся стороны, связанные приложением 11, признают представление предварительных данных МДП и предварительных данных об изменениях через международную систему eTIR.

Пояснительная записка к пункту 3 статьи 6

- 11.6.3 Договаривающимся сторонам, связанным приложением 11, рекомендуется признавать, насколько это выполнимо, возможность представления предварительных данных МДП и предварительных данных об изменениях при помощи методов, указанных в функциональных и технических спецификациях.
4. Компетентные органы публикуют перечень всех электронных средств, с помощью которых могут быть представлены предварительные данные МДП и предварительные данные об изменениях.

Статья 7 Аутентификация

1. При принятии декларации в стране отправления или изменения к данным декларации в любой стране по маршруту следования компетентные органы аутентифицируют предварительные данные МДП или предварительные данные об изменении и держателя книжки МДП в соответствии с национальным законодательством.

2. Договаривающиеся стороны, связанные приложением 11, признают аутентификацию держателя, осуществляемую международной системой eTIR.

Пояснительная записка к пункту 2 статьи 7

11.7.2 С помощью средств, описанных в спецификациях eTIR, международная система eTIR обеспечивает целостность предварительных данных МДП или предварительных данных об изменениях и то, что данные были направлены держателем книжки МДП.

3. Компетентные органы публикуют перечень механизмов аутентификации, которые – помимо указанных в пункте 2 настоящей статьи – могут использоваться для аутентификации.

4. Договаривающиеся стороны, связанные приложением 11, признают данные декларации, полученные от компетентных органов страны отправления и страны, в которой запрашивается изменение данных декларации, через международную систему eTIR, в качестве юридического эквивалента принятой книжки МДП.

Пояснительная записка к пункту 4 статьи 7

11.7.4 С помощью средств, описанных в спецификациях eTIR, международная система eTIR обеспечивает целостность данных декларации и то, что данные были направлены компетентными органами стран, участвующих в перевозке.

Статья 8 Взаимное признание аутентификации держателя

Аутентификация держателя, выполненная компетентными органами Договаривающихся сторон, связанных приложением 11, которые принимают декларацию и изменение к данным декларации, признается компетентными органами всех последующих Договаривающихся сторон, связанных приложением 11, в процессе всей перевозки МДП.

Пояснительная записка к статье 8

11.8 С помощью средств, описанных в спецификациях eTIR, международная система eTIR обеспечивает целостность данных декларации, полученных от компетентных органов и переданных компетентным органам, включая ссылку на держателя книжки МДП, аутентифицированного компетентными органами, которые принимают декларацию.

Статья 9 Потребности в дополнительных данных

1. В дополнение к данным, указанным в функциональных и технических спецификациях, компетентные органы могут потребовать представления дополнительных данных, предусмотренных национальным законодательством.

2. Компетентным органам следует по мере возможности ограничить требуемую информацию теми данными, которые указаны в функциональных и технических спецификациях, и принимать меры для облегчения представления дополнительных данных, с тем чтобы не создавать препятствий для перевозок МДП, осуществляемых в соответствии с настоящим приложением.

Статья 10

Резервная процедура

1. В том случае, если процедуру eTIR нельзя начать по техническим причинам в таможене места отправления, держатель книжки МДП может вернуться к процедуре МДП.
2. В том случае, если процедура eTIR начата, но ее продолжение затруднено по техническим причинам, компетентные органы принимают и обрабатывают сопроводительный документ в соответствии с процедурой, указанной в спецификациях eTIR, при наличии дополнительной информации из альтернативных электронных систем, как это предусмотрено в функциональных и технических спецификациях.
3. Компетентные органы Договаривающихся сторон вправе потребовать у национальных гарантийных объединений подтвердить действительность гарантии и то, что перевозка МДП осуществляется в соответствии с процедурой eTIR, а также предоставить другую информацию, имеющую отношение к перевозке МДП.
4. Порядок, описанный в пункте 3, устанавливается в соглашении между компетентными органами и национальным гарантийным объединением, как это предусмотрено в пункте 1 d) части I приложения 9.

Статья 11

Хостинг международной системы eTIR

1. Хостинг международной системы eTIR и административное управление ею обеспечиваются под эгидой Европейской экономической комиссии Организации Объединенных Наций (ЕЭК).
2. ЕЭК оказывает странам помощь в подключении их таможенных систем к международной системе eTIR, в том числе посредством проведения проверок соответствия для обеспечения их надлежащего функционирования перед оперативным подключением.
3. ЕЭК предоставляются необходимые ресурсы для выполнения обязательств, предусмотренных в пунктах 1 и 2 настоящей статьи. Если международная система eTIR не финансируется из средств регулярного бюджета Организации Объединенных Наций, то потребности в ресурсах покрываются в соответствии с финансовыми правилами и положениями для внебюджетных средств и проектов Организации Объединенных Наций. Административный комитет устанавливает и утверждает механизм финансирования для обеспечения функционирования международной системы eTIR в ЕЭК.

Пояснительная записка к пункту 3 статьи 11

- 11.11.3 При необходимости Договаривающиеся стороны могут принимать решение относительно финансирования расходов на эксплуатацию международной системы eTIR на основе сбора за перевозку МДП. В таких случаях Договаривающиеся стороны принимают решение относительно соответствующего времени, необходимого для внедрения альтернативных механизмов финансирования, и об условиях их использования. Требуемый бюджет составляется ЕЭК, рассматривается Техническим органом по осуществлению и утверждается Административным комитетом.

Статья 12

Административное управление международной системой eTIR

1. ЕЭК принимает надлежащие меры для хранения и архивирования данных в международной системе eTIR в течение минимум 10 лет.
2. Все данные, хранящиеся в международной системе eTIR, могут использоваться ЕЭК от имени компетентных органов настоящей Конвенции в целях получения агрегированных статистических данных.

3. Компетентные органы Договаривающихся сторон, по территории которых осуществляется перевозка в соответствии с процедурой eTIR, которая становится предметом административного или судебного разбирательства в связи с платежным обязательством непосредственно ответственного лица или непосредственно ответственных лиц либо национального гарантийного объединения, могут обратиться к ЕЭК с запросом о получении информации, хранящейся в международной системе eTIR и имеющей отношение к являющемуся предметом спора требованию об оплате, для целей проверки. Эта информация может быть использована в качестве доказательства в национальных административных или судебных разбирательствах.

4. В случаях, не относящихся к указанным в настоящей статье, распространение информации, хранящейся в международной системе eTIR, или ее раскрытие неуполномоченным лицам или организациям запрещается.

Статья 13

Опубликование перечня таможен, которые могут обрабатывать перевозки eTIR

Компетентные органы обеспечивают регулярную проверку и обновление перечня таможен места отправления, промежуточных таможен и таможен места назначения, допущенных к выполнению операций МДП в соответствии с процедурой eTIR, занесенного в электронную базу данных об уполномоченных таможнях, которая была создана и ведется Исполнительным советом МДП.

Статья 14

Правовые требования в отношении представления данных в соответствии с приложением 10 к Конвенции МДП

Правовые требования в отношении представления данных, изложенные в пунктах 1, 3 и 4 приложения 10 к настоящей Конвенции, считаются выполненными при условии осуществления процедуры eTIR.

Annex II**List of decisions taken at the 72nd session of the Administrative Committee**

<i>Reference in final report (para.)</i>	<i>Short description of decision</i>	<i>Actor</i>	<i>Deadline</i>
6	Solicit candidates to become (Vice) Chair 2020 and beyond	Delegations	
8	Committee endorsed report TIRExB at its 82nd session	Committee	
10	Committee requests national associations to report 2020 TIR Carnet prices	Committee	1 March 2020
13	Committee requests secretariat to revise document ECE/TRANS/WP.30/AC.2/2020/3	Secretariat	5 August 2020
	Deliver presentation on customs offices module	Secretariat	At session
17	Committee decides to reflect deficit in amount per TIR Carnet for 2021	Committee IRU	At session
18	Submission of future audit certificates to Committee	Secretariat	February/October
22	Provisional acceptance document ECE/TRANS/WP.30/AC.2/2019/5 pending formal adoption at 73rd session	Committee	
23	Provisional acceptance document ECE/TRANS/WP.30/AC.2/2020/4, Annex I, pending formal adoption at 73rd session	Committee	
24	Committee adopts comment to E.N. 0.8.3 (replacing 50,000 \$ by 100,000 euros) and requested inclusion in TIR Handbook + keeps comment E.N. 0.8.3 (200,000\$ by 400,000 euros and comment to Art. 18 on hold)	Committee	p.m. update TIR Handbook
27	Committee decides to revert to issue at its next session	Secretariat	agenda
29	Committee requests secretariat and IRU to liaise to review exclusion cases + revert to issue at next session	Secretariat/IRU	a.s.a.p. and agenda
30	Committee provisionally accepts ECE/TRANS/WP.30/2020/6 subject to corrections (in English and French), pending formal adoption at next session.	Secretariat	agenda
32	Committee formally adopts doc. ECE/TRANS/WP.30/AC.2/2020/7, subject to editorial corrects and requests that proposals be sent to Secretary-General in New York + attach text in English, French and Russian to final report	Secretariat	a.s.a.p.
34	Committee adopts statement to be included in memo to the Secretary-General	Secretariat	a.s.a.p.
35	Committee requests secretariat to submit full package with accepted amendment proposals pending formal adoption	Secretariat	5 August 2020

<i>Reference in final report (para.)</i>	<i>Short description of decision</i>	<i>Actor</i>	<i>Deadline</i>
36	Committee requests secretariat to launch short survey on Recommendation Annex 3 and transmit findings to TIRExB	Secretariat	done
38	Submit Informal document WP.30/AC.2 (2020) No. 5 as formal document	Secretariat	5 August 2020
38	Request to prepare documents on how to insert Annex 9, Part III in the ECE/IRU agreement	Secretariat	5 August 2020
39	Assessment of proposals by the European Union	IRU	p.m.
43	Review ToR TIR focal points and seek their views+ in agenda	Secretariat	a.s.a.p. 22 July 2020
44	Request to prepare assessment of effectiveness action plan	Secretariat	5 August 2020
45	Request to be briefed on correspondence with Ethics Office.	Secretariat	At 73rd session
48	Committee endorses updated example agreement and requested secretariat to post it on TIR website	Secretariat	a.s.a.p.
50	Organization of seventy-third session	Secretariat	22 July 2020 - agenda 5 August 2020 - documents