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## Economic Commission for Europe

### Administrative Committee for the TIR Convention, 1975

#### Sixty-eighth session

Geneva, 18 October 2018

Item 6 (c) of the provisional agenda

#### Revision of the Convention:

Amendment proposals to the Convention

prepared by the TIR Executive Board

## Submission of data using the International TIR Data Bank

### Note by the secretariat

#### I. Background and mandate

1. At its seventy-third session (June 2017), the TIR Executive Board (TIRExB) commenced considerations on how to achieve mandatory usage of the International TIR Data Bank (ITDB). TIRExB noted that the matter was very important and had thus been included in its programme of work 2017–2018. TIRExB noted that the Model Authorization Form (MAF), contained in Annex 9, Part II, still allowed countries to submit ITDB data on paper. That practice was resource consuming for contracting parties and the secretariat. In addition, it delayed the timing of data submission and processing. TIRExB was also informed that the same issues existed with regard to submission of the annual list under Annex 9, Part II, paragraph 5 and with regard to exclusions under article 38, paragraph 2 of the Convention, although the TIR Administrative Committee (AC.2) had adopted Explanatory Notes with regard to those three provisions clarifying that proper usage of the ITDB by customs administrations and associations rendered the submission to the Board of authorized TIR Carnet holder data in any other form, such as paper, redundant (see ECE/TRANS/WP.30/AC.2/111, para. 15). The Board concluded that the moment had come to make data submission via the ITDB mandatory, since the ITDB existed already since 1999 and was available online since 2012.

2. At its seventy-fifth session (February 2018), TIRExB agreed that (a) the use of the ITDB should be mandatory, (b) legal amendments would best achieve that purpose, and (c) more attention should be paid to awareness raising about the ITDB, before it was set as mandatory in the TIR Convention (see ECE/TRANS/WP.30/AC.2/2018/4, paras. 16 and 20). To raise awareness about the use of the ITDB, the secretariat updated the user guides,

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prepared a ITDB web service customs guide (ECE/TRANS/WP.30/2018/13) and organized a seminar in Geneva, on 14 June 2018 (see ECE/TRANS/WP.30/298, para. 14).

3. At its seventy-seventh session (June 2018), TIRExB continued its considerations of the matter. Recalling its earlier discussions on the wording to be used for the deadline of data submission via the ITDB, the Board concluded that the term “without delay” would best cover the necessity to submit the data as soon as possible and that it provided enough flexibility to respond to the needs of all contracting parties whereas any alternative wording would cause practical constraints. With regard to the draft amendments to Annex 9, Part II, paragraph 4, several Board members challenged the relevance or the applicability of two items contained in the Model Authorization Form (MAF):

“(b) Name(s) and address(es) of the person(s) or enterprise, for a business association, also the names of responsible managers;

(c)...

(d) Commercial registration number or international transport license number or other (if available).”

4. The Board concluded that AC.2 would be a more appropriate platform to further discuss this issue, taking into account its practical implications, and decided, for now, not to remove the items from the list as they already are part of the Convention. Regarding the draft proposal for article 38, paragraph 2, the Board concluded that it would be appropriate to align the deadlines for all notifications to be submitted according to this paragraph (to competent authorities, association(s) and TIRExB), thus eliminating the “one week” deadline and introducing the term “without delay” in the draft text. The Board deemed it necessary to underline that, irrespective of the alignment of notification deadlines in the paragraph, the use of the ITDB is limited to the notification to TIRExB only, as stipulated by the accompanying Explanatory Note. The Board further added that, as already indicated in the comment to article 38, the notification to competent authorities of the contracting party on whose territory the person concerned is established or resident should contain as many details as possible and that this could be best achieved through official correspondence, not using the ITDB.

5. At that session, TIRExB finalized its discussions on the mandatory use of the ITDB and decided on the draft amendment proposals as contained in annexes I and II to this document. The Board requested the secretariat to submit the proposals to the Committee for consideration and, possibly, adoption. The Board reiterated its conclusion that there was no need for a transitional period, since discussions on the amendment proposals would take time.

## **II. Considerations by the Committee**

6. The Committee may wish to consider and adopt the amendment proposals.

## Annex I

### Amendments to the TIR Convention on the mandatory use of ITDB<sup>1</sup>

1. Amend article 38, paragraph 2 as follows:

“2. This exclusion shall be notified ~~within one week~~ **without delay** to the competent authorities of the Contracting Party on whose territory the person concerned is established or resident, to the association(s) in the country or Customs territory where the offence has been committed and to the TIR Executive Board.”

2. Amend Explanatory Note to article 38, paragraph 2 as follows:

“0.38.2 The legal requirement to notify the TIR Executive Board that a person has been temporarily or permanently excluded from the operation of the Convention ~~is deemed to~~ **shall** be fulfilled by means of the proper use of electronic applications developed to this end by the TIR secretariat under the supervision of the TIR Executive Board.”

3. Amend Annex 9, Part II, paragraph 4 as follows:

“4. The competent authorities shall transmit ~~within one week~~ **without delay** from the date of authorization or withdrawal of authorization to use TIR Carnets, the particulars of each person to the TIR Executive Board ~~in conformity with the specimen authorization attached (MAF)-~~, **including:**

(a) **Individual and unique identification (ID) number assigned to the person by the guaranteeing association, in cooperation with the international organization to which it is affiliated, in accordance with the harmonized format determined by the Administrative Committee;**

(b) **Name(s) and address(es) of the person(s) or enterprise, for a business association, also the names of responsible managers;**

(c) **Contact person with complete contact information; and**

(d) **Commercial registration number or international transport licence number or other (if available).”**

4. Amend Explanatory Note to Annex 9, Part II, paragraph 4 as follows:

“9.II.4 ~~The legal requirements for data submission~~ **Data**, as set out in paragraph 4, ~~are deemed to~~ **shall** be fulfilled ~~transmitted~~ by means of the proper use of electronic applications developed to this end by the TIR secretariat under the supervision of the TIR Executive Board.”

5. Amend Annex 9, Part II, paragraph 5 as follows:

“5. The associations shall transmit ~~annually an updated list as per 31 December of all authorized persons as well as of persons whose authorization has been withdrawn. The list shall be transmitted one week following the 31 December to the competent authorities. The competent authorities shall forward a copy thereof to the TIR Executive Board~~ **any change in the particulars of authorized persons without**

<sup>1</sup> New text is in **bold**, deletions are in ~~strikethrough~~.

**delay from the moment they become aware of it to the competent authorities and the TIR Executive Board.”**

6. Remove MAF attached to Annex 9 Part II and the accompanying text.

## Annex II

Amend the title of the Comment to Model Authorization Form (MAF) in Annex 9 Part II as follows:

“Comment to ~~Model Authorization Form (MAF)~~ **Part II, paragraph 4**

Format of an individual and unique identification (ID) number”

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