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Economic Commission for Europe

Inland Transport Committee

Working Party on Customs Questions affecting Transport

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

Informal preparatory meeting
Geneva, 3-4 November 2020
Item 6 (e) of the provisional agenda
eTIR conceptual, functional and technical documentation version 4.3
Amendments

Messages exchanged in the framework of the eTIR specifications

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MESSAGES EXCHANGED IN THE FRAMEWORK OF eTIR SPECIFICATIONS

1. Background

An analysis has been carried out regarding the holders' authorisation in the framework of eTIR specifications.

2. Legal provisions applicable

a) Article 6.3 of the TIR Convention states: "An association shall issue TIR carnets only to persons, whose access to the TIR procedure has not been refused by the competent authorities of Contracting Parties in which the person is resident or established".

b) Part II of Annex 9 sets out the minimum criteria that must be met by either natural or legal persons before they can be authorised to use TIR carnets, as well as the criteria that must be met by authorised TIR carnet holders. According to its paragraph 6: "The authorization for access to the TIR procedure does not constitute in itself a right to obtain TIR Carnets from the associations". This statement implies that a number of checks are to be performed by the issuing association before a TIR carnet/eGuarantee is issued (e.g. exclusion, quota, response to claim records etc.).

c) Article 6.2bis-1 of the TIR Convention states: "The relationship between an international organization and its member associations shall be defined in written agreements on the functioning of the international guarantee system". Such a relationship is currently reflected in IRU's contractual rules.

- eTIR procedure (Annex 11) is applicable mutatis mutandis.

3. The procedure for the issuance of TIR carnets is the same as the one for the issuance of eGuarantees

- The current procedure for the issuance of TIR carnets is the same as for the issuance of eGuarantees (Annex 11 mutatis mutandis)
- Admission to the TIR procedure is a two-stage process. One stage involves an initial application to the issuing association (which will apply IRU's contractual rules + the national association's own rules) and carry out its own checks to ensure that it considers the applicant to be suitable to join the TIR procedure. The other stage involves obtaining the approval of the competent authorities (usually customs authorities). The order in which these stages are completed and the exact procedure for obtaining the approval of the competent authorities will be determined at national level.
- The following step by step procedure for the issuance of TIR carnets will also be used for the issuance of eGuarantees (Article 6.3):
  - The holder requests the issuance of the eGuarantee to the national association
  - The national association performs the necessary checks (authorisation, quota, etc.)
  - If the holder fulfils the necessary requirements, the eGuarantee will be issued
  - The eGuarantee can be used for the holder from then onwards.

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Conclusion: The assessment of the holders' authorisation will be performed BEFORE the issuance of an eGuarantee

4. **Procedure for registering an eGuarantee as per the eTIR technical specifications (item 1.1.1.2 – pg. 9 – "Register guarantee")**

- After the issuance of the eGuarantee by the association, it needs to be registered in the eTIR system (by the association). IRU does this registration on behalf of the association.
- During the process of registering an eGuarantee in the eTIR international system, the system itself will verify whether or not the person is an authorised holder.

Conclusions:

1) *The checking of the holders' compliance with the requirements for obtaining an eGuarantee is not foreseen in the eTIR specifications, nor in ITDB, but is in fact performed by the national association each time a guarantee is issued. It is therefore impossible for national associations and/or IRU (as guarantors) to query the status of a TIR holder in ITDB prior to issuing an eGuarantee.*
2) *The checking of the holders' authorisation via ITDB will be performed AFTER the issuance of an eGuarantee (during the process of registering an eGuarantee).*

5. **Messages exchanged in the framework of eTIR specifications**

- I-3/I-4 messages which are set in the eTIR technical specifications (item 1.1.1.5 – pg. 11 – "Get Holder Information") contain the information available to the customs authorities (authorisation in the country, exclusions in others) and is exchanged only between the actors of the public sector.
- The I4 message contains the status of the holder in ITDB.
- These messages are exchanged AFTER the issuance of the eGuarantee by the association (during the process of the eGuarantee registration)

6. **Issues identified**

- The checking of the holders' authorisation needs to be performed BEFORE the issuance of the eGuarantee, as per Article 6.3 of the TIR Convention.
- If there is a discrepancy between the checks performed by the national association and the one performed by the eTIR international system, the registration of the e-Guarantee will fail.

7. **Proposal to solve the issues identified**

- Add messages I-3/I-4 to the list of messages exchanged between the public and private sectors, for instance as E11/E12 (note: such a duplication of messages already exists for query guarantee message I5/I6 and E5/E6). In this case, the holders' authorisation would be checked BEFORE the issuance of the guarantee, and such a check will be in line with Article 6.3 of the TIR Convention.

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